



NORTH FALLS

Offshore Wind Farm

Applicant's Response to Secretary of State's Letter dated 18 December 2025

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Contents

- 1. Introduction 4
 - Purpose of this Document 4
- 2. Applicant’s Response to Secretary Of State’s letter dated 16 december 2025 5**
 - 2.1 Applicant’s Response to Affinity Water Ltd – C1-002 5
 - 2.2 Applicant’s Response to Maritime and Coastguard Agency – C1-003 5
 - 2.3 Applicant’s Response to Essex County Council and Tendring District Council – C1-004 6
 - 2.4 Applicant’s Response to Suffolk County Council – C1-005 8
 - 2.5 Applicant’s Response to Port of London Authority – C1-006..... 10
 - 2.6 Applicant’s Response to Marine Management Organisation – C1-007 11
 - 2.7 Applicant’s Response to Natural England’s Comments – C1-008..... 16
 - 2.8 Applicant’s Response to Cobra Mist Limited – C1-009 22
 - 2.9 Applicant’s Response to Addleshaw Goddard LLP on behalf of London Gateway Port Ltd – C1-038..... 22
- Annex A: Applicant’s response to Natural England Ref 26 24

1. INTRODUCTION

Purpose of this Document

1.1.1 The Applicant submits this document in response to the letter dated 18 December 2025 from the Secretary of State requesting a response to comments made by Interested Parties.

1.1.2 The Applicant has responded to matters where it considers it appropriate and relevant to do so. The Applicant trusts this document is of assistance to the Secretary of State particularly where matters between the Applicant and Interested Parties have been agreed.

2. APPLICANT'S RESPONSE TO SECRETARY OF STATE'S LETTER DATED 16 DECEMBER 2025

2.1 Applicant's Response to Affinity Water Ltd – C1-002

REF	TOPIC	AFFINITY WATER LTD COMMENTS	APPLICANT'S RESPONSE
C1-002	Response to Secretary of State Consultation 1	I write in response to your information request letter dated 26 November 2025. In particular, I respond in relation to the request that Affinity Water provide an update on whether an agreement related to the agreed Protective Provisions has been reached with the Applicant. I can confirm that this agreement has now been completed with the Applicant.	Noted. This aligns with the Applicant's response at Table 2.7 (ref 11 and 12) of the Applicant's Response to the Secretary of State's Request for Information [Document reference: 11.2, (rev 0)].

2.2 Applicant's Response to Maritime and Coastguard Agency – C1-003

REF	TOPIC	MARITIME AND COASTGUARD AGENCY COMMENTS	APPLICANT'S RESPONSE
C1-003	Shipping & Navigation	<p>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.</p> <p>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> <p>The proposal to remove the Galloper Recommended Route (RR) was presented by MCA to the UK Safety of Navigation Committee (UKSON) meeting held on 16 October 2025. No objections were raised and the committee agreed a submission could be made to the International Maritime Organization (IMO) provided the North Falls offshore wind farm project receives ministerial development consent.</p> <p>Assuming the North Falls offshore wind farm project receives ministerial development consent, a joint proposal from UK and Belgium (lead by DfT/MCA) will be submitted to the secretariat of the annual Experts Group on Ships Routing at the IMO's sub-committee on Navigation, Communication and Search and Rescue 14 (NCSR) six months in advance of the meeting expected in May/June 2027 (November/December 2026). This is in accordance with the published IMO procedure detailed in MSC.1/Circ.1608 which allows IMO Members sufficient time to review the proposal before the NCSR sub-committee meeting.</p> <p>Assuming the Experts Group (NCSR) agrees to the removal of the Galloper Recommended Route i.e. no objections from any IMO member, the proposal will be submitted to the subsequent Maritime Safety Committee (MSC) 114 for ratification, expected in May 2028.</p> <p>Once accepted by the MSC the removal of the Recommended Route will be in force within 6 months (by November 2028). The IMO will expect the Recommended Route to be respected until the ratification is in force.</p>	Noted, this aligns with the Applicant's response in Table 2.1, Ref 3 and Ref 4 of the Applicant's Response to Secretary of State's Request for Information (Document reference 11.2).

2.3 Applicant's Response to Essex County Council and Tendring District Council – C1-004

REF	TOPIC	ESSEX COUNTY COUNCIL AND TENDRING DISTRICT COUNCIL COMMENTS	APPLICANT'S RESPONSE
C1-004	Planting Retention or Removal at Decommissioning of Onshore Substation	<p>Para. 6 – Planting Retention or Removal at Decommissioning of Onshore Substation</p> <p>This specifically refers to decommissioning so it would be welcome to have some indication within the Outline Landscape Strategy Masterplan of what would be conserved of the new planting should that stage be reached.</p>	<p>Please refer to the Applicant's response at Table 2.3 (ref 6) of the Applicant's Response to the Secretary of State's Request for Information [Document ref: 11.2, (rev 0)]. The Applicant confirms that no substantive elements of the Outline Landscape Strategy Masterplan relating to the onshore substation would be removed as a result of decommissioning works.</p> <p>The Applicant has updated the Outline Landscape and Ecological Management Strategy (OLEMS) [Document ref: 7.14 (rev 7)] to include section 3.12 on the maintenance of the landscape planting during the decommissioning works.</p>
C1-004	National Landscape Enhancement Scheme	<p>Para. 7 – National Landscape Enhancement Scheme</p> <p>The Councils support the National Landscape Partnership in requesting proportionate contribution to enhance the special qualities of the relevant National Landscape. This enhancement is specifically related to the East Suffolk Coast which is not a direct concern to both Councils. The proposed costings appear to be reasonable and the recommended contribution as compared to the limited amount proposed by the applicant would undoubtedly secure more resources in achieving the aims as outlined.</p>	<p>Please refer to the Applicant's response at Table 2.4 (ref 7) of the Applicant's Response to the Secretary of State's Request for Information [Document ref: 11.2, (rev 0)] and the Applicant's Response to ExA's Request for further information (Rule 17) - National Landscapes [Document ref: 9.89, (rev 2)] which sets out the Applicant's position on the fund amount proposed by the Suffolk & Essex Coast & Heaths National Landscape Partnership (SECHNLP) in [REP8-094] and proposes a revised without prejudice fund amount for a National Landscape Enhancement Scheme (NLES).</p> <p>The Applicant considers any NLES prepared in relation to the Project would be relevant to Essex County Council (ECC) because ECC would be the entity approving any NLES under the proposed without prejudice draft DCO Requirement as the discharging authority in the draft DCO (see Table 2.1 of the Applicant's Response to ExA's Request for further information (Rule 17) - National Landscapes [Document ref: 9.89, (rev 2)]).</p>
C1-004	Wording of the Biodiversity Net Gain Requirement	<p>Para. 47 – Wording of the Biodiversity Net Gain Requirement</p> <p>As mentioned in our response to ExQ2 (REP5-091), ECC published reports regarding achieving a higher Biodiversity Net Gain (BNG) within Essex. According to the Viability Assessment of Biodiversity Net Gain in Essex and supporting documents (Appendices 1A, 1B, 1C), the additional costs to achieve 20% BNG is a relatively small percentage of the overall cost for NSIPs in Essex. Therefore, ECC is requesting all development proposals to investigate for 20% BNG. As the Five Estuaries and North Falls windfarm projects share the BNG, and to ensure consistency, ECC is of the view that the applicant should also investigate and seek to deliver 20% BNG, where possible.</p> <p>The Councils welcome the more detailed wording of the requirement in respect of BNG as it provides clarity and certainty that a minimum 10% BNG will be secured. Sub-paragraph 2 of the suggested wording also broadly reflects the hierarchy for delivery of biodiversity units.</p> <p>The Councils note the following BNG wordings have been used for Requirement 7 of the recently granted East Yorkshire Solar Farm Order 2025:</p> <p>7.—(1) No part of the authorised development may commence until a biodiversity net gain strategy has been submitted to and approved by the relevant planning authority for that part, in consultation with the relevant statutory nature conservation body.</p> <p>(2) The biodiversity net gain strategy must include details of how the strategy will secure a minimum of 80.42% biodiversity net gain in area-based habitat units, a minimum of 10.30% biodiversity net gain in hedgerow units, and 10.09% biodiversity net gain in watercourse units for all of the authorised development during the operation of the authorised development, using the Department of Environment, Food and Rural Affairs' 4.0 metric to calculate those percentages (or such other biodiversity metric approved by the relevant planning authority in consultation with the relevant statutory nature conservation body).</p> <p>(3) The biodiversity net gain strategy must be maintained throughout the operation of the relevant part of the authorised development to which the plan relates.</p>	<p>As stated in the Applicant's response to Secretary of State Consultation 1 - 11.2 Applicant's Response to Secretary of State Request for Information (Table 2.12, item Ref 47) (see [Document ref: 11.2, (rev 0)]), the Applicant does not agree with the amended BNG requirement wording proposed in the Secretary of State's Request for Information dated 26 November 2025 (RFI draft wording). The Applicant submits that the 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]. Please refer to this response for further details as to the reasons for objecting to the RFI draft wording. The below response relates to the new points raised by the Councils in their C1-004 - Response to Secretary of State Consultation 1.</p> <p>The Applicant notes that the provision of 10% BNG (or the investigation of 20% 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 has previously addressed the consideration of providing 20% BNG in response to REP2-036_h within the Applicant's Comments on Responses to ExQ1 [REP3-036]. As stated within this response, the Applicant does not agree that the Viability Assessment of Biodiversity Net Gain in Essex report concludes a BNG percentage above 10% is viable for linear energy NSIPs, and submits that the report in fact highlights the difficulties in securing a minimum of 10% BNG, particularly for those modules which are harder to deliver (such as the watercourse module). Therefore, the Applicant maintains the position that exploring opportunities to achieve a minimum of 10% BNG provides a commitment which is proportionate to the scale and nature of baseline habitats being permanently lost at the onshore substation, considering the various extraneous factors present which limit BNG opportunities for linear energy NSIPs.</p> <p>The Councils in their Comments on any submissions received at the previous deadline - Cover Letter [REP7-073] stated "it is still expecting that watercourse units should ideally secure a 20% net gain when securing enhancement within Essex... It is noted that habitat units will not achieve a 20% biodiversity net gain, when not considering the enhancements to be secured as part of the cable route, which will be secured for 10-year period. However, a 10% net gain will be achieved for habitat units and a 20% net gain would be achieved if the cable route enhancements were included as part of the calculations. As a result, ECC acknowledges this precautionary approach and does not consider it reasonable to request that a 20% net gain for habitat units should be secured from the onshore substation site, when this will be achieved in principle". This approach was agreed with the Councils within 10.17 Statement of Common Ground - Essex County Council and Tendring District Council (Clean) Rev 3 [REP8-060] (Table</p>

REF	TOPIC	ESSEX COUNTY COUNCIL AND TENDRING DISTRICT COUNCIL COMMENTS	APPLICANT'S RESPONSE
		<p>The above sets a precedent that the proposed levels of BNG could be secured via a requirement and that a higher percentage of BNG is not considered to be unreasonable as this is what the applicant has been forecasted to deliver. There is also a need to clarify the version of the metric used but allowing flexibility if a later or more appropriate version is available post-consent.</p> <p>In view of that, our suggested revisions are highlighted in blue:</p> <p>(1) No stage of the authorised project within the onshore Order limits (excluding any onshore site preparation works) may commence until—</p> <p>(a) a biodiversity net gain strategy which accords with the outline biodiversity net gain information comprising the Onshore Biodiversity Net Gain Indicative Design Stage Report (Option 1 - habitats unmanaged counted as lost) has been approved in writing by the relevant planning authority; and</p> <p>(b) the biodiversity gain plan must set out how it will secure a minimum of 10% biodiversity gain for all of the onshore works of the authorised development, using a biodiversity metric approved by the relevant planning authority; and the Department of Environment, Food and Rural Affairs' 4.0 metric to calculate those percentages (or such other biodiversity metric approved by the relevant planning authority in consultation with Natural England); and</p> <p>(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.</p> <p>(2) The location for delivery of 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).</p> <p>(3) The biodiversity net gain strategy must be implemented as approved.</p> <p>(4) Any remaining shortfall in biodiversity units identified following detailed design will be secured prior to construction works being completed.</p> <p>(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."</p>	<p>2.4, item ID 22). As such, the Applicant believes that this point has already been agreed with the Councils and is adequately addressed.</p> <p>The Applicant submits that the East Yorkshire Solar Farm Order 2025 does not accurately compare to the Project, as the East Yorkshire Solar Farm Project (EYSF Project) has less underground linear elements (i.e. shorter cable routing) and a greater quantity of large land parcels with above ground infrastructure (i.e. the solar panels) within its DCO limits than North Falls. As a result, the EYSF Project has more on-site area available within their DCO limits to achieve their BNG targets and inherently are able to accommodate BNG commitments accordingly. North Falls are not in this position due to being a mainly underground linear scheme.</p> <p>Further, the specific percentages of BNG included in the relevant DCO Requirement for the East Yorkshire Solar Farm Order 2025 are taken from the EYSF Project Biodiversity Net Gain Assessment Report (see [REP1-061] in the Examination library for the EYSF Project).¹</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 (which 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]). 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 part of a BNG Assessment Report for the Project) as to what percentage of BNG units can be delivered at the onshore substation site) is not currently finalised. As such, the Applicant does not believe the wording used in the East Yorkshire Solar Farm Order 2025 would be appropriate to incorporate into North Falls' DCO.</p> <p>In addition to the above, the Applicant would like to highlight that the amendments proposed by the Councils to the RFI draft wording do not accurately reflect the commitments already agreed and made by North Falls. The Councils suggest the following text "(a) a biodiversity net gain strategy which accords with the outline biodiversity net gain information comprising the Onshore Biodiversity Net Gain Indicative Design Stage Report (Option 1 - habitats unmanaged counted as lost) has been approved in writing by the relevant planning authority". North Falls have not produced an 'Onshore Biodiversity Net Gain Indicative Design Stage Report' to support their DCO Application submissions, and instead believe the Councils intended to refer to Biodiversity Net Gain Strategy [REP8-025]. Further, this strategy produced calculations on the following scenarios, not the 'Option 1 - habitats unmanaged counted as lost' cited by the Councils: North Falls alone being consented ('project-alone') and North Falls and Five Estuaries both being consented ('cumulative'). The Applicant also produced the Biodiversity Net Gain Strategy Technical Note [REP3-030] using the assumptions recommended by Natural England in their Relevant Representation [RR-243]. The amended wording proposed by the Councils is therefore unclear as to what it is wanting North Falls to commit to since it does not use the relevant project-specific terminology.</p> <p>The Councils also suggest the following wording "(b) the biodiversity gain plan must set out how it will secure a minimum of 10% biodiversity gain for all of the onshore works of the authorised development, using the Department of Environment, Food and Rural Affairs' 4.0 metric to calculate those percentages (or such other biodiversity metric approved by the relevant planning authority in consultation with Natural England)". In paragraph 114 of the Biodiversity Net Gain Strategy [REP8-025] the Applicant commits to "using the most up-to-date version of the Defra Biodiversity Metric available at the time" when conducting post-consent BNG calculations which appropriately identifies the relevant metric while also providing necessary flexibility to account for updates to that metric. DEFRA's Biodiversity Net Gain Metric version 4.0 was published on 28 March 2023 and has since been superseded by the DEFRA Statutory Biodiversity Metric and its subsequent versions (originally published 12 February 2024, most recently updated 3rd July 2025). For the Biodiversity Net Gain Strategy [REP8-025], the Applicant used the version of the DEFRA Statutory Biodiversity Metric current at the time of drafting (being the version published on 12 February 2024). Therefore, the inclusion of text specifically referring to metric version 4.0 (which has since been superseded) is not relevant to North Falls and should not be added.</p>

¹ Boom Power, East Yorkshire Solar Farm EN010143 – Biodiversity Net Gain Assessment Report (June 2024). [Available at: [this link](#); Accessed on: 9 January 2026.]

REF	TOPIC	ESSEX COUNTY COUNCIL AND TENDRING DISTRICT COUNCIL COMMENTS	APPLICANT'S RESPONSE
			Finally, the Applicant considers that the drafting in sub-paragraph (4) is unnecessary and does not make sense as part of the broader Requirement. The Applicant is required, under sub-paragraph (1) of the RFI draft wording, to prepare and submit a biodiversity net gain plan / strategy which sets out how it will secure a minimum of 10% biodiversity gain for all of the onshore works for the Project prior to any stage of the authorised project commencing within the onshore Order limits (excluding any onshore site preparation works). Sub-paragraph (3) states that the biodiversity net gain strategy must be implemented as approved. In those circumstances, there will be no 'shortfall' in biodiversity units for sub-paragraph (4) to apply to.
C1-004	Farmland Bird Compensation Plan	<p>Paragraph 50 – Farmland Bird Compensation Plan</p> <p>The Councils have no objection for a requirement on Farmland Bird Compensation Plan and would welcome the opportunity to be consulted at discharge of requirement stage.</p>	<p>The Applicant notes this response and refers to its response at Table 2.12 (ref 49 and 50) of the Applicant's Response to the Secretary of State's Request for Information [Document ref: 11.2, (rev 0)] and the Without Prejudice In-Principle Farmland Bird Compensation Plan [Document ref: 11.6, (rev 0)].</p> <p>Sub-paragraph 1 of the without prejudice wording for the DCO requirement for the Farmland Bird Compensation Plan (FBCP) states that the FBCP must be submitted to and approved by the discharging authority (i.e. ECC under the DCO) in consultation with the local planning authority for the area in which the compensation measure is to be provided. Accordingly, ECC would be the approving authority and Tendring District Council (TDC) would be consulted in circumstances where the relevant compensation measure is to be provided within TDC's local government area boundary.</p>

2.4 Applicant's Response to Suffolk County Council – C1-005

REF	TOPIC	SUFFOLK COUNTY COUNCIL COMMENTS	APPLICANT'S RESPONSE																								
C1-005	Response to Secretary of State Consultation 1	<p>1. I am writing on behalf of Suffolk County Council ("SCC", IP reference 20050784) in relation to the above North Falls Offshore Wind Farm application in response to your letter dated 26 November 2025.</p> <p>2. SCC made a Relevant Representation [RR-318], submitted a Local Impact Report [REP1-074], and made successive representations throughout the Examination period in accordance with the Examination timetable.</p> <p>3. One of the issues raised repeatedly by SCC was the need for both the Applicant and the SoS to be able to satisfactorily discharge their respective statutory duties under section 85(A1) of the Countryside & Rights of Way Act 2000 as a result of the adverse effects of the Project on the Special Qualities and Natural Beauty Indicators of the Suffolk Coast and Heaths Area of Outstanding Natural Beauty ("SCHAONB"), an area to which that duty is applicable. SCC made detailed representations on this matter in its Local Impact Report [REP1-074], Annex 1 of SCC's response to ExQ1 [REP2-059], Q14.0.1 of SCC's response to ExQ2 [REP5-117] and Q14 of SCC's response to ExQ3 [REP7-096]. SCC made detailed oral submissions during Issue Specific Hearings 1 & 2 and the corresponding written summaries [REP4-094] and [REP4-096] respectively. SCC has also responded to the Applicant's representations where relevant. SCC responded to the Applicant's position statement on various issues relating to National Landscapes [REP6-092] which sets out further detail justifying SCC's position and why the Applicant's claim that the application complies with the section 85(A1) duty should be rejected.</p>	<p>The Applicant has responded to SCC's representations in respect of the application and discharge of the duty to seek to further the purpose of conserving and enhancing the natural beauty of an area of outstanding natural beauty (Duty) under section 85(A1) of the Countryside and Rights of Way Act (CRoW Act) and has generally set out its position on this matter in various documents submitted during Examination and listed at paragraph 3.1.1 of the Applicant's Closing Statement [REP8-036].</p> <p>The specific documents which contain responses to the representations in the documents listed in SCC's response to Secretary of State Consultation 1 are set out below:</p> <table border="1"> <thead> <tr> <th>#</th> <th>Relevant SCC document</th> <th>Applicant's response</th> </tr> </thead> <tbody> <tr> <td>1.</td> <td>Local Authorities Local Impact Report [REP1-074]</td> <td>Applicant's Comments on Responses to ExQ1 [REP3-036]</td> </tr> <tr> <td>2.</td> <td>Responses to ExQ1 [REP2-059]</td> <td>Applicant's Comments on Responses to ExQ1 [REP3-036]</td> </tr> <tr> <td>3.</td> <td>Responses to ExQ2 [REP5-117]</td> <td>Applicant's Comments on Responses to ExQ2 [REP6-061]</td> </tr> <tr> <td>4.</td> <td>Responses to ExQ3 [REP7-096]</td> <td>Applicant's Response to Deadline 7 submissions [REP8-044]</td> </tr> <tr> <td>5.</td> <td>Post hearing submissions including written summaries of oral submissions made at Issue Specific Hearing 1 [REP4-094]</td> <td>Position Statement on various issues relating to National Landscapes [REP5-068]</td> </tr> <tr> <td>6.</td> <td>Post hearing submissions including written summaries of oral submissions made at Issue Specific Hearing 2 [REP4-096]</td> <td>Position Statement on various issues relating to National Landscapes [REP5-068]</td> </tr> <tr> <td>7.</td> <td>Comments on any submissions received at the previous deadline [REP6-092]</td> <td>Applicant's Response to Deadline 6 Submissions [REP7-053]</td> </tr> </tbody> </table>	#	Relevant SCC document	Applicant's response	1.	Local Authorities Local Impact Report [REP1-074]	Applicant's Comments on Responses to ExQ1 [REP3-036]	2.	Responses to ExQ1 [REP2-059]	Applicant's Comments on Responses to ExQ1 [REP3-036]	3.	Responses to ExQ2 [REP5-117]	Applicant's Comments on Responses to ExQ2 [REP6-061]	4.	Responses to ExQ3 [REP7-096]	Applicant's Response to Deadline 7 submissions [REP8-044]	5.	Post hearing submissions including written summaries of oral submissions made at Issue Specific Hearing 1 [REP4-094]	Position Statement on various issues relating to National Landscapes [REP5-068]	6.	Post hearing submissions including written summaries of oral submissions made at Issue Specific Hearing 2 [REP4-096]	Position Statement on various issues relating to National Landscapes [REP5-068]	7.	Comments on any submissions received at the previous deadline [REP6-092]	Applicant's Response to Deadline 6 Submissions [REP7-053]
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C1-005	National Landscape Enhancement Scheme	4. For information, it should be noted that the SCHAONB is also referred to as the Suffolk & Essex Coast and Heaths National Landscape ("SECHNL") in some	Noted.																								

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		documents, reflecting (a) the fact that some parts of the designated area lie within the County of Essex and (b) that all AONBs are now referred to as National Landscapes. Nothing turns on this change in terminology, and both the SCHAONB and the SECHNL relate to the same designation and cover the same area of land.	
C1-005	National Landscape Enhancement Scheme	5. SCC welcomes the Secretary of State's ("SoS") request for information in terms of National Landscape enhancement and the request for the Applicant to align its National Landscape Enhancement scheme with that submitted by the Suffolk and Essex Coast and Heaths National Landscape team.	Noted. The Applicant refers to Table 2.4 (ref 7) of the Applicant's Response to the Secretary of State's Request for Information [Document ref: 11.2, (rev 0)] and the Applicant's Response to ExA's Request for further information (Rule 17) - National Landscapes [Document ref: 9.89, (rev 2)] which sets out the Applicant's response to this aspect of the Secretary of State's request for information dated 26 November 2025.
C1-005	National Landscape Enhancement Scheme	6. SCC would like to draw attention to the final page of the Suffolk & Essex Coast & Heaths National Landscape team's proposal [REP8-094]. This page gives the rationale behind the production of the document, which SCC wholly supports, and explains that the proposal was developed in collaboration with SCC. There, and in paragraphs 14 to 19 of the main document, it is explained how the contribution figures were revised down based on feedback from the Applicant to ensure that the enhancement proposal is proportionate to the National Landscape area being affected by the Proposed Development. SCC has not received further engagement from the Applicant following the submission of the proposal by the National Landscape team.	The Applicant refers to Table 2.4 (ref 7) of the Applicant's Response to the Secretary of State's Request for Information [Document ref: 11.2, (rev 0)] which provides comments on the proposal in [REP8-094] and sets out and justifies which elements the Applicant is prepared to adopt (or adopt with modification) on a without prejudice basis and which elements the Applicant rejects. This response also outlines why the Applicant considers that the fund amount proposed by SECHNLP in [REP8-094] is not appropriate, reasonable and proportionate and submits a revised without prejudice fund amount for a NLES.
C1-005	National Landscape Enhancement Scheme	7. SCC considers that the proposal meets the requirements of relevant policy, legislation and guidance to enable the duty to be discharged should effects on the National Landscape's natural beauty be deemed to be fully captured by the Applicant's assessment. Each proposed contribution seeks to enhance natural beauty based on the extent of the project's adverse effects on the natural beauty indicators of the SECHNL as assessed by the Applicant. This means that the status of affected aspects of natural beauty is sought to be furthered through this proposal in a way which is appropriate and proportionate to the type and scale of the development. The contributions to enhancement measures align with the objectives of the SECHNL management plan and provision is made for the delivery of enhancement measures through funding for the employment of a project officer.	The Applicant maintains its position that the Applicant and the Secretary of State can discharge the Duty 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. The Applicant refers to Table 2.4 (ref 7) of the Applicant's Response to the Secretary of State's Request for Information [Document ref: 11.2, (rev 0)] which provides comments on the proposal in [REP8-094] and sets out and justifies which elements the Applicant is prepared to adopt (or adopt with modification) on a without prejudice basis and which elements the Applicant rejects on the basis that they are not appropriate, reasonable or proportionate (including the provision of funding 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 agrees that relevant authorities (which include the Applicant and the Secretary of State in respect of the Project) are required to act proportionately when discharging the Duty and reiterates that the Duty does not require minor adverse effects to be offset by enhancement measures. This position is 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). ²
C1-005	National Landscape Enhancement Scheme	8. By contrast, the link between the Applicant's proposal [REP8-052] and the impacts of the Proposed Development on the SECHNL's natural beauty is tenuous. SCC made clear in its response to Q14 of ExQ3 [REP7-095] and in its engagement with the Applicant that the Applicant's proposal would be insufficient to allow the duty to be discharged for reasons which include this tenuous link and the fund size being insufficient to deliver meaningful enhancement.	The Applicant disagrees with this statement. The without prejudice draft NLES principles contained in the Applicant's Response to ExA's Request for further information (Rule 17) - National Landscapes [REP8-052] state that any project delivered under a NLES related to the Project must relate to the effects of the Project on the SECHNL (i.e. on the enjoyment of the coast and coastal views). The without prejudice draft NLES principles specifically limit the spatial and topical scope of potential projects accordingly (see the scope of projects and spatial scope principles). These principles were retained in the Applicant's Response to ExA's Request for further information (Rule 17) - National Landscapes [Document ref: 9.89, (rev 2)]. Please refer to the Applicant's responses to SCC's representations in [REP7-096] and SECHNLP's representations in [REP7-095] in the Applicant's Response to Deadline 7 submissions [REP8-044].
C1-005	National Landscape Enhancement Scheme	9. SCC encourages the SoS to consider its representations on the Applicant's assessment of adverse effects on the special qualities and natural beauty of the National Landscape as summarised in paragraphs 4.1 to 4.3 of [REP8-091] and in SCC's signed Statement of Common Ground [REP8-068]. SCC has questioned some of the Applicant's conclusions on adverse effects on certain indicators of natural beauty such as 'Relative Tranquility' as detailed in its response to ExQ3	The Applicant disagrees with SCC's conclusions in respect of the nature of the effects of the Project on the SECHNL and maintains its position as set out in the updated Applicant's Response to ExA's Request for further information (Rule 17) - National Landscapes [REP8-052]. The Applicant's position is that:

² 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: 8 January 2026].

REF	TOPIC	SUFFOLK COUNTY COUNCIL COMMENTS	APPLICANT'S RESPONSE
		[REP7-096]. SCC notes that Natural England remained in disagreement with the Applicant over the extent of these effects at the end of the Examination as shown in Appendix I of the final iteration of its Principal Areas of Disagreement Summary Statement [REP8-099]. SCC also remains unclear on the reasoning process that has allowed a series of effects with a medium scale of change on the special qualities of the SECHNL to then be said to come to a low magnitude of impact. SCC considers that Natural England's view should be sought on this matter and would defer to their judgement.	<ul style="list-style-type: none"> - the effects on the SECHNL are visual in nature only, i.e. that there will be significant effects on views from locations along the southern coastal edge of the SECHNL, between the River Deben and Orford Ness (see ES Chapter 29 Seascape, Landscape and Visual Impact Assessment (SLVIA) [APP-043]); and - there will be no significant effects on landscape character, and no significant effects on the special qualities of the SECHNL (see Assessment of Special Qualities of the Suffolk and Essex Coast and Heaths National Landscape and Suffolk Heritage Coast – Technical Note [REP5-038]). <p>The Applicant maintains that the assessment of potential effects on the special qualities of the SECHNL is clearly and appropriately detailed in the Assessment of Special Qualities of the Suffolk and Essex Coast and Heaths National Landscape and Suffolk Heritage Coast – Technical Note [REP5-038].</p> <p>The Applicant has also directly responded to SCC's representations [REP7-096] in Table 2.17 of the Applicant's Response to Deadline 7 submissions [REP8-044].</p>
C1-005	National Landscape Enhancement Scheme	10. Should the SoS take a different view to the Applicant on the effects on the National Landscape's natural beauty, SCC considers that the proposed enhancement measures should be amended accordingly. SCC notes that the SECHNL team's proposal is based solely on the Applicant's assessment and does not reflect areas of disagreement on those conclusions. If effects on indicators of natural beauty are considered to be greater than has been assessed, then the provision to seek to conserve and enhance the SECHNL's natural beauty should be increased appropriately.	<p>The Applicant agrees that actions taken by relevant authorities (which include the Applicant and the Secretary of State in respect of the Project) to discharge the Duty should be proportionate to the likely effects of the Project on the SECHNL.</p> <p>As noted above, the Applicant maintains its position in respect of the likely effects of the Project on the SECHNL and that the Applicant and the Secretary of State can discharge the Duty in respect of the SECHNL on the basis of actions already undertaken without the need to impose any additional measures or financial contributions.</p>
C1-005	Five Estuaries Offshore Wind Farm Application	11. SCC considers the question of discharging the section 85 (A1) duty for North Falls to be of relevance to the application for the Five Estuaries Offshore Wind Farm. The Five Estuaries Examination closed on 17 March 2025, and the Examining Authority ("ExA") necessarily could not have regard to any subsequent events after that date in formulating the recommendations in their report to the SoS. That report was delivered to the SoS on 17 June 2025. A decision was required by 17 September 2025 which has since been delayed by the SoS until 17 December 2025.	The Applicant notes that the Five Estuaries Offshore Wind Farm was granted a Development Consent Order on 17 December 2025.
C1-005	Five Estuaries Offshore Wind Farm Application	12. SCC appends the letter it sent to the SoS in response to the lack of request for further information on that application's ability to enable the duty to be discharged. SCC considers the adverse effects of the Five Estuaries project on the National Landscape to be of a similar magnitude and nature to those arising from North Falls but notes that no such enhancement proposal was requested by that ExA. SCC is concerned that the absence of any such measures in relation to the Five Estuaries application will create an unhelpful inconsistency in approach and will lead to confusion regarding the application 5 of the duty when offshore wind projects have adverse impacts on adjacent nationally designated landscapes.	The Applicant notes that the Five Estuaries Offshore Wind Farm was granted a Development Consent Order on 17 December 2025.

2.5 Applicant's Response to Port of London Authority – C1-006

REF	TOPIC	PORT OF LONDON AUTHORITY COMMENTS	APPLICANT'S RESPONSE
C1-006	Response to Secretary of State Consultation 1	<p>16. Port of London and the Applicant are requested to provide an update on any further agreement regarding PPs.</p> <p>We confirm on behalf of the PLA that the Applicant has not been willing to engage further on the form of the Protective Provisions for the benefit of the PLA. The Port of London Authority's Closing Submissions [REP08– 090] on the "Without Prejudice Ports Protective Provisions" (REP7-059) remain, therefore, the current position, reproduced below for convenience:</p> <p>"Summary of the PLA's Representatives"</p> <p><i>The PLA has set out in response to the ExA's third written questions (REP7-093) how the PLA's Preferred form of Protective Provisions differ from those included in the ExA's Schedule of Proposed Changes to the dDCO. The PLA does not</i></p>	Please also refer to entry "Schedule 14 – Protective Provisions" in the Applicant's Response to the ExA's Proposed Schedule of Changes to the dDCO (Document Reference 9.106).

REF	TOPIC	PORT OF LONDON AUTHORITY COMMENTS	APPLICANT'S RESPONSE
		<i>propose to repeat that here but rather to highlight how the Applicant's without prejudice Ports Protective Provisions (REP7-059) do not include all of the matters which the ExA consider should be in protective provisions for the PLA. In particular the Without Prejudice Ports Protective Provisions do not include a remediation clause or a disputes clause.</i>	
C1-006	Response to Secretary of State Consultation 1	<p>How resolved/what is outstanding</p> <p><i>The Applicant's without prejudice protective provisions are not acceptable and are not aligned with those for the Five Estuaries Offshore Wind Farm.</i></p> <p><i>The PLA has explained at length why the suite of other control measures do not give the PLA the certainty and protections it requires to ensure that Work No 3 and other works which could affect the [Deep Water Routes] and the Sunk Pilotage Area would not give rise to any unacceptable permanent or temporary impacts on navigation to and from the Port of London.</i></p> <p><i>The dDCO should at least include the Protective Provisions included by Five Estuaries Offshore Wind Farm in the draft DCO with the necessary updates which were included in the PLA's response to Q9.3.3 (Appendix to REP7-093)".</i></p> <p>We would also note that active discussions are taking place with National Grid Electricity Transmission on the Sea Link Development Consent Order where there is agreement that protective provisions will be included within that DCO.</p>	<p>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, and as a result nothing remains unresolved or outstanding.</p> <p>The Applicant engaged with PLA and addressed issues it raised throughout Examination 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) – considering the existing suite of controls and protections, there is no need for PPs in addition for PLA and the position that other projects may volunteer or agree is not relevant.</p>

2.6 Applicant's Response to Marine Management Organisation – C1-007

REF	TOPIC	MARINE MANAGEMENT ORGANISATION COMMENTS	APPLICANT'S RESPONSE
C1-007	1. Habitats Regulations Assessment And Marine Conservation Zone Assessment	<p>1.1 Assessment of Effect in Respect to Red Throated Diver Disturbance</p> <p><i>Paragraph 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.</i></p> <p>1.1.1 The MMO maintains a watching brief on the wording on this condition and if this will be included in the DML.</p>	Noted. See Table 2.10, Ref 27 and Ref 28 of the Applicant's Response to Secretary of State's Request for Information (Document reference 11.2) for the Applicant's proposed without prejudice wording.
C1-007	1. Habitats Regulations Assessment And Marine Conservation Zone Assessment	<p>1.2 Benthic and Intertidal Ecology</p> <p><i>Paragraph 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.</i></p> <p>1.2.1 The MMO believes this monitoring would be agreed during the pre-construction discharge process of the Condition 21 (j) and that further documents would be provided in relation to post construction monitoring requirements to finalise these at the time.</p>	The Applicant agrees this should be a matter for post-consent.
C1-007	1. Habitats Regulations Assessment And Marine Conservation Zone Assessment	1.2.2 The MMO supports NE's position that the monitoring must be completed within 12 months of the disturbance of construction activities being completed unless otherwise agreed with the MMO. This is to ensure that in-combination impacts and recovery can be fully assessed.	It is noted that NE has not requested monitoring to be completed within 12 months of construction. Please see Ref 36 in Section 2.7 Applicant's Response to Natural England's Comments – C1-008 below. The Applicant considers that the timing of surveys should be agreed with the MMO, in consultation with Natural England post consent during development of the monitoring plan, in accordance with the In Principle Monitoring Plan [REP-8-009].
C1-007	1. Habitats Regulations Assessment And Marine Conservation Zone Assessment	<i>Paragraph 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</i>	Agreed. See also the Applicant's response in Table 2.11, Ref 38 of the Applicant's Response to Secretary of State's Request for Information (Document reference 11.2).

REF	TOPIC	MARINE MANAGEMENT ORGANISATION COMMENTS	APPLICANT'S RESPONSE
		<p><i>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.</i></p> <p>1.2.3 As detailed in the design parameters under Schedule 1 Part 3, the total volume of scour protection material for wind turbine generator foundations must not exceed 4,882,186 cubic metres. The total volume of scour protection material for two offshore substation platforms must not exceed 50,316 cubic metres. Any proposal to install scour protection in excess of the volumes authorised under the Development Consent Order shall require the submission of a marine licence application for regulatory approval.</p>	
C1-007	1. Habitats Regulations Assessment And Marine Conservation Zone Assessment	1.2.4 The MMO believes scour protection is unlikely to be replenished during the operation phase, however, has been included as part of the Offshore Operations and Maintenance Plan (OOMP) should it be identified that scour protection is required. If this is identified during operations stage then the justification and reasoning, methodology and the volume and area impacts would need to be provided and this would be subject to the maximum worst case amounts.	
C1-007	1. Habitats Regulations Assessment And Marine Conservation Zone Assessment	1.2.5 Any areas that don't have existing scour protection within the array can have scour protection placed within the Operation period 10 years following construction, this should be reflected in Condition 34 which should be updated to include scour protection. After 10 years a new marine licence would be required.	<p>There is no 10-year time limit for installation of scour protection, and it is noted that condition 34 which the MMO refers to relates to cable protection, for which there is a 10-year period limit.</p> <p>In [REP1-045], the Applicant confirmed "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". 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 (OOMP) submitted at Deadline 3.</p> <p>As a result, there is no 10-year time limit for scour protection. However, there are robust controls 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 must be 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 DCO) DMLs o.</p> <p>The Applicant agrees with the MMO to the extent that a further licence would be required, in the unlikely event further scour protection would be required beyond that assessed in the ES and secured in the DCO.</p> <p>For further details of the controls regarding scour protection, including additional notification requirements proposed by the Applicant, please see the Applicant's response in Table 2.11, Ref 38 of the Applicant's Response to Secretary of State's Request for Information (Document Reference 11.2).</p>
C1-007	1. Habitats Regulations Assessment And Marine Conservation Zone Assessment	1.2.6 As part of the OOMP the Applicant will have to provide the constructed figures to ensure that is clear the amounts remaining during the operations phase. Condition 30 also states the Applicant will have to submit maintenance reports to show how much has been used during construction yearly and five yearly. This will enable all parties to be clear on the volumes and areas used to date in relation to the worst case assessment.	Agreed.
C1-007	1. Habitats Regulations Assessment And Marine Conservation Zone Assessment	<p>1.2.7 Although not raised during examination the following reporting of cable protection condition should be on the DML. Noting it may be too late to include this at this stage however this condition has widely been accepted by other offshore wind farm projects in relation to cable protection that the condition should be amended to include scour protection:</p> <p>Reporting cable protection</p> <p>27.—(1) Not more than four months following completion of the construction of the authorised scheme, the undertaker must provide the MMO and the relevant</p>	<p>The Applicant is willing to include this condition within the final DCO, with one amendment necessary as this is a condition specific to the licensed activities/the DML, and not the whole DCO.</p> <p>27.—(1) Not more than four months following completion of the construction of the authorised scheme-development, the undertaker must provide the MMO and the relevant statutory nature conservation bodies with a report setting out details of the cable protection used for the licensed activities authorised scheme.</p> <p>(2) The report must include the following information—</p>

REF	TOPIC	MARINE MANAGEMENT ORGANISATION COMMENTS	APPLICANT'S RESPONSE
		<p>statutory nature conservation bodies with a report setting out details of the cable protection used for the authorised scheme.</p> <p>(2) The report must include the following information—</p> <p>(a) the location of cable protection;</p> <p>(b) the volume of cable protection; and</p> <p>(c) any other information relating to the cable protection as agreed between the MMO and the undertaker.</p>	<p>(a) the location of cable protection;</p> <p>(b) the volume of cable protection; and</p> <p>(c) any other information relating to the cable protection as agreed between the MMO and the undertaker.</p>
C1-007	1. Habitats Regulations Assessment And Marine Conservation Zone Assessment	<p>1.3 Fish and Shellfish</p> <p><i>Paragraph 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].</i></p> <p>1.3.1 The MMO notes that the Sandeel and Herring Habitat Heat Mapping Clarification Note [REP3-047] provides an explanation of why certain data have been included/excluded by the Applicant in their sandeel and herring spawning habitat heat mapping methods. The Applicant has provided an informative discussion on the differences between the Applicant's heat mapping methods for sandeel and herring, compared to the methods by MarineSpace (2013a for herring and 2013b for sandeel), and Kyle-Henney et al. (2024) and Reach et al., (2024), for herring and sandeel, respectively. Useful figures accompany the note, which enable a visual comparison of the data sets included/excluded for each method. As noted by the Applicant, whilst there are some minor differences between the Applicant's heat maps and those by Marine Space (2013a and 2013b), and Reach et al., (2024) and Kyle- Henney et al. (2024), the maps are broadly consistent with each other.</p>	Agreed.
C1-007	1. Habitats Regulations Assessment And Marine Conservation Zone Assessment	<p>1.3.2 The 'Clarification Note' [REP3-047] provides further confirmation that the North Falls wind farm array is partially located in the Downs herring spawning ground. Therefore, underwater noise generated by piling activity in the array is likely to cause significant impacts to spawning herring and their eggs and larvae during the Downs herring spawning season (November to January, inclusive). In our advice for the Section 56 Consultation [RR-216], the MMO noted the Applicant's acceptance of a temporal piling restriction during the Downs herring spawning season but had concerns with the wording proposed for this restriction which was open to interpretation. The MMO notes that the wording of this restriction has now been updated – please see response to Question 2 below (1.3.4).</p>	Agreed.
C1-007	1. Habitats Regulations Assessment And Marine Conservation Zone Assessment	<p>1.3.3 In our advice for the Section 56 Consultation [RR-216] we stated that we would not anticipate significant impacts on sandeel at the population level and were content that the Applicant's response on sandeel was acceptable. The MMO does not have any further concerns or comments to make in relation to sandeel.</p>	Noted.
C1-007	1. Habitats Regulations Assessment And Marine Conservation Zone Assessment	<p><i>Paragraph 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.</i></p> <p>1.3.4 The Mitigation proposed in Point 2.4.1 of Table 2.4 (REP3-047) states '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.' This is appropriate and aligns with the request made in our advice for the Section 56 Consultation [RR-216] for a temporal restriction on piling during the whole of the Downs herring spawning season.</p>	Agreed.
C1-007	1. Habitats Regulations Assessment And Marine Conservation Zone Assessment	<p>1.3.5 In respect of cable construction activities such as seabed preparation, sandwave clearance, jetting, trenching etc, a temporal restriction on such activities during the Downs herring spawning season is not required because the cable route is not located in herring spawning grounds. The exception to this would be for any piling that may be required for offshore platforms located along the export cable corridor (ECC), or any unexploded ordnance (UXO) clearance that is required along the ECC. For any piling or UXO clearance in the ECC, the MMO would</p>	<p>The Applicant agrees that no seasonal restriction is required for the seabed preparation and cable construction activities along the offshore export cable corridor.</p> <p>It should be noted there will be no offshore platforms in the offshore export cable corridor, in accordance with the dDCO and offshore works plans [AS-020].</p> <p>UXO clearance will be subject to separate marine licencing and mitigation will be agreed with the MMO through that process.</p>

REF	TOPIC	MARINE MANAGEMENT ORGANISATION COMMENTS	APPLICANT'S RESPONSE
		<p>expect underwater noise modelling to be presented in order to determine whether noise from these activities would impact herring and their eggs and larvae at the spawning grounds.</p>	
C1-007	1. Habitats Regulations Assessment And Marine Conservation Zone Assessment	<p>1.4 Marine Mammals</p> <p><i>Paragraph 44 - The Applicant, MMO and NE are invited to comment on the proposed insertion of a new condition within the DML, in Part 2 of Schedule 9:</i></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><i>(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”.</i></p> <p>1.4.1 The MMO welcomes the inclusion of the SIP condition to the DML.</p>	Please see the Applicant's response in Table 2.11, Ref 44 of the Applicant's Response to Secretary of State's Request for Information (Document Reference 11.2).
C1-007	1. Habitats Regulations Assessment And Marine Conservation Zone Assessment	<p>1.4.2 The MMO requests the inclusion of the following to the end of the condition:</p> <p>(6) The licensed activities must be carried out in accordance with the SIP approved under condition (this condition number), unless otherwise agreed in writing with the MMO.</p>	The Applicant agrees that a condition requiring the licensed activities are carried out in accordance with the approved SIP is appropriate. This is already provided for under condition 22(4) / 23 (4) / 22(4) of Schedule 8 / 9 / 10 respectively, requiring the licensed activities to be carried out in accordance with the SIP already required under condition 21(1)(m) / 22(1)(m) / 21(1)(m) of Schedule 8 / 9 / 10 respectively.
C1-007	1. Habitats Regulations Assessment And Marine Conservation Zone Assessment	<p>1.4.3 The MMO also requests that the following justification is added to the interpretations section:</p> <p>“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;”</p>	Agreed, this is also reflected in the wording proposed by the Applicant, see Applicant's response in Table 2.11, Ref 44 of the Applicant's Response to Secretary of State's Request for Information (Document Reference 11.2).
C1-007	2. Commercial Fisheries	<p>2. Commercial Fisheries</p> <p>2.1 General Comments</p> <p><i>Paragraph 53 - The Statement of Common Ground with the Commercial Fisheries Working Group [REP8-062] references the consideration of alternative measures in the final Fisheries Liaison and Coexistence plan (“FLCP”). The Applicant is requested to confirm commitments made, and how these are provided in the outline FLCP, or the process for developing measures post-consent. The Applicant is also requested to confirm how (as listed in the outline FLCP) the Best Practice Guidance for Offshore Renewables Developments: Recommendations for Fisheries Disruption Settlements and Community Funds Fisheries Liaison with Offshore Wind and Wet Renewables Group (FLOWW, 2015) has been considered in the outline FLCP.</i></p> <p>2.1.1 The MMO highlights that the document mentioned has recently been updated and can be found at the link below, noting this may be too recent to be taken into account at this stage. The Fishing Liaison with Offshore Wind and Wet Renewables Group</p>	The Applicant is aware of the updated guidance released in November 2025. Please see the Applicant's response in Table 2.13, Ref 53 of the Applicant's Response to Secretary of State's Request for Information (Document Reference 11.2) which confirms the final FLCP will take account of the latest guidance as applicable.

REF	TOPIC	MARINE MANAGEMENT ORGANISATION COMMENTS	APPLICANT'S RESPONSE
C1-007	3. Adaptive Management	<p>3. Adaptive Management</p> <p>3.1 DCO Amendments</p> <p><i>Paragraph 24 - 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.</i></p> <p>3.1.1 The MMO requests that the following conditions be added to the Pre-construction monitoring and surveys condition (condition 27 of Schedules 8 and 10 and condition 28 of Schedule 9) to allow the Applicant to provide potential solutions when reviewing the results of monitoring, to be discussed with the MMO and Statutory Nature Conservation Bodies (SNCBs).</p> <p>"(5). In the event that the reports provided to the MMO under sub-paragraph (3) identify a need for additional monitoring, the requirement for any additional monitoring will be agreed with the MMO in writing and implemented as agreed."</p>	<p>This is already provided under the existing conditions. Condition 27 / 28 / 27 of Schedules 8 / 9 / 10 respectively requires a post-construction monitoring plan or plans for <u>the relevant stage</u> in accordance with the outline offshore in-principle monitoring plan as approved in writing by the MMO (in consultation with the SNCB). This provides MMO control and direct oversight that any further monitoring plan required for the relevant subsequent stage must have accounted of the survey findings and include additional monitoring.</p>
C1-007	3. Adaptive Management	<p>3.1.2 As noted in the response at Deadline 8 and Deadline 7 [REP7-080], The MMO welcomes the updates to the IPMP but believes this should be a condition so all parties are clear of the process should impacts be greater than predicted. The condition is more of a proactive approach and sets out a specific adaptive management plan to be submitted. Further details on adaptive management are in section 2 below.</p> <p>(6). In the event that monitoring reports provided to the MMO under sub-paragraph (3), identify impacts which are beyond those predicted within the Environmental Statement/Habitat Regulations Assessment, adaptive management/mitigation may be required. An Adaptive Management/Mitigation Plan to reduce effects to within what was predicted within the Environmental Statement/Habitat Regulations Assessment, unless otherwise agreed in writing by the MMO, must be submitted alongside the monitoring reports submitted under sub-paragraph (3), including timelines and associated monitoring to test effectiveness. This plan must be agreed with the MMO in consultation with the relevant SNCB's to reduce effects to a suitable level for this project.</p> <p>(7) Any such agreed or approved adaptive management/mitigation should be implemented and monitored in full. In the event that this adaptive management/mitigation requires a separate consent, the Applicant shall apply for such consent."</p>	<p>The condition proposed by MMO does not work, as the monitoring reports submitted under sub-paragraph (3) would detail the extent of the impacts, and in turn dictate whether the adaptive management plan is required in the first place. As a result, having to submit the plan with the reports is practically not possible to comply with.</p> <p>Please see the Applicant's response under Ref 54 of the Applicant's Response to Secretary of State's Request for Information (Document Reference 11.2).</p> <p>The Applicant's condition is preferred, repeated here for completeness:-</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>
C1-007	3. Adaptive Management	<p>3.1.3 The conditions ensure that all parties are clear what is required if the monitoring shows higher impacts than predicted during the assessment stage. It also allows the Applicant to provide potential solutions when reviewing the results of monitoring, to be discussed with the MMO and SNCBs.</p>	<p>The Applicant notes the MMO's comments, and -has proposed a condition requiring proposals for adaptive management subsequent to monitoring in the form set out above.</p>
C1-007	3. Adaptive Management	<p>3.1.4 The aim of the condition is to provide a clear process to the Applicant, the MMO and any consultees, if in preparing the monitoring reports the Applicant identifies greater impact than the Environmental Statement (ES) predicted, rather than just a discussion upon review of the reports.</p>	
C1-007	3. Adaptive Management	<p>3.1.5 The MMO notes that, if impacts are higher than predicted, Section 72 of 2009 Act can be utilised to vary the marine licence to request adaptive management, but believes this Condition gives a clear process to all and allows for proactive management rather than reactive management by the MMO.</p>	
C1-007	4. Other Comments	<p>4.1 DCO Amendments</p> <p>4.2 MMO Main Office Address Change</p> <p>4.2.1 The MMO would like to highlight that its main office has now changed. The address in the DMLs in Schedules 8, 9 and 10 will need to be amended to the following: Marine Management Organisation Marine Licensing Team Tyneside House Skinnerburn Road Newcastle Business Park Newcastle upon Tyne NE4 7AR Tel: 0300 123 1032</p>	

2.7 Applicant's Response to Natural England's Comments – C1-008

SOS RFI REF	TOPIC	SOS RFI DATED 26 NOVEMBER 2025	NATURAL ENGLAND COMMENTS	APPLICANT'S RESPONSE
22	HABITATS REGULATIONS ASSESSMENT AND MARINE CONSERVATION ZONE ASSESSMENT	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.	Please see Natural England's detailed comments in Appendices 1 and 2 to Natural England's letter date 16 December 2025.	Please see responses to Appendices 1 and 2 below.
26	Assessment of Effect in Respect to Red Throated Diver Disturbance	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.	<p>Natural England consider our position as stated in our Relevant Representation [RR243, F23] sufficiently details our consideration of the existing shipping disturbance in impact assessment. Essentially, this disturbance is considered as 'baseline condition' i.e. it was present when the Outer Thames Estuary SPA (OTE SPA) was classified. Thus, we consider the impact arising from the turbine array as being novel and entirely additional. Existing levels of shipping disturbance may well be influencing or depressing red-throated diver (RTD) utilisation of the area, though clearly not completely. We again highlight that the time of classification, this disturbance did not reduce usage by RTD in this area to a level where the densities did not warrant its inclusion within the SPA boundary.</p> <p>This context does not diminish the impact of the North Falls project in any way, which is in clear contravention of the Supplementary Advice on Conservation Objectives (SACO) targets to "reduce the frequency, duration and / or intensity of disturbance affecting roosting, foraging, feeding, moulting and/or loafing birds" and to "maintain the extent, distribution and availability of suitable habitat (either within or outside the site boundary) which supports the feature for all necessary stages of the non-breeding/wintering period (moulting, roosting, loafing, feeding)." The turbine array would be a permanent structure adding significant ongoing additional displacement pressure over a substantial area of the SPA, further constraining the overall availability of habitat. It is of note that, to date, there is no evidence of RTD habituating to the presence of turbine arrays. As RTD do not appear to habituate to other disturbing activities such as vessel movements, this might be expected.</p> <p>Natural England highlights the particular importance of the OTE SPA to over-wintering RTD in England. At the time of classification, 38% of the Great Britain RTD population could be found within the site. The OTE SPA is unique in supporting a very high abundance of birds at much higher densities relative to other SPAs where RTD is a feature. It should also be borne in mind that this species is essentially absent in most English coastal waters.</p> <p>Natural England maintain our position that an adverse effect on the integrity of the SPA cannot be ruled out from the project alone, due to the proximity of the array to the SPA and the extent of displacement effects recorded from other offshore windfarms from post-construction studies. We also note the Applicants in-combination assessment confirms that at present 49% of the SPA is subject to some level of displacement impact from turbine arrays. This will rise to >50% of the SPA should the North Falls array be built, with the project impacting an additional 54.5km² (1.4% of the SPA), and potentially</p>	See Applicant's response in Annex A of this document.

SOS RFI REF	TOPIC	SOS RFI DATED 26 NOVEMBER 2025	NATURAL ENGLAND COMMENTS	APPLICANT'S RESPONSE
			exacerbating existing displacement impacts over a further 33.9 km2 (0.9% of the SPA). As such, the project represents a significant contribution to in-combination impacts on the SPA. Accordingly, we consider that significant effort should be made to secure adequate and preferably strategic compensation for the predicted level of impact at the SPA.	
27	Assessment of Effect in Respect to Red Throated Diver Disturbance	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.	Natural England welcome the commitment to a vessel disturbance reduction protocol, detailed in REP6-027 and in line with our advice that all vessels should follow our best practice guidelines during the development of both the export cable and array. We note that REP6-027 states, "Situations where the protocol does not apply are specified as installation and maintenance of the export cables passing through the SPA" (para 92), meaning that the protocol does not apply to the installation of the export cables. In any event, we continue to advise that construction and decommissioning of the export cable should not take place within the OTE SPA +2km buffer during the sensitive over wintering period for RTDs of 1st November to 31st March inclusive. This has been our consistent advice for all relevant projects in the Extensions and Round 4 leasing rounds. This mitigation by seasonal restriction should be appropriately secured in the DCO. We consider the need to mitigate the project's impact on the RTD feature during the export cable installation is heightened by the inability for an AEol alone to be ruled out due to the turbine array.	<p>The Applicant has, without prejudice to its position 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]), proposed a seasonal restriction which ensures there would be no cable laying activities within the OTE SPA from 1 November to 1 March inclusive and has on a without prejudice basis proposed securing it via the dDCO under Condition 22(1)(d) of Schedule 9, as suggested by Natural England. The Applicant has also proposed a without prejudice mitigation strategy within the offshore cable corridor where it overlaps with the OTE SPA and for the OTE SPA+2km buffer, within the oPEMP (Document Reference 7.6, Rev 3</p> <p>Please see the Applicant's response in Table 2.10, Ref 27 and Ref 28 of the Applicant's Response to Secretary of State's Request for Information (Document Reference 11.2).</p> <p>In respect of Natural England's point regarding paragraph 92 (now 93) of the oPEMP (Document Reference 7.6, Rev 3): it is the Applicant's position that mitigation limiting the cable installation is not required, as there would no AEol to the SPA. If that position is accepted by the Secretary of State (SoS), it is correct that the protocol should not apply to installation and maintenance of the export cable. However, the protocol would still apply to activities that do not directly relate to the installation of and maintenance of the export cable – for example for vessels transiting to the Array for installation / maintenance, reflecting the Applicant's commitment to further reduce disturbance to the OTE SPA and RTDs where practicable. Should the SoS require the mitigation/DCO condition for a seasonal restriction as provided by the Applicant on a without prejudice basis, the wording at paragraph 92 (now 93) of the oPEMP would require to be altered as follows:-</p> <p><i>93. Situations where the protocol does not apply are specified as installation and maintenance of the export cables passing through the SPA, or, for emergencies and reasons of health and safety e.g. due to inclement weather where the most direct route back to port is required.</i></p> <p>The wording could be updated and confirmed in the final PEMP requiring approval of the MMO under Condition 22(1) post-consent.</p> <p>The detail and scope of the decommissioning works will be determined by the relevant legislation and guidance at the time of decommissioning and agreed with the Regulator.</p>
31	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	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 AEol on the Margate and Long Sands ("MLS") Special Area of Conservation ("SAC") and no hindrance to Kentish Knock East ("KKE") Marine Conservation Zone ("MCZ") conservation objectives), as well as any specific advice on the detail of recommended monitoring requirements.	<p>a) Margate and Long Sands Special Area of Conservation (MLS SAC)</p> <p>Natural England welcomes the Applicant's clarification [AS-056] on the potential WCS sediment deposition effect on M LS SAC due to seabed preparation and trenching by the Project alone. Whilst this particular issue is resolved, we request that where required all named plans are updated accordingly to reflect this text to avoid ambiguity. We consider that our concerns regarding indirect effects on MLS SAC due to project-related changes to marine physical processes, have been sufficiently addressed by the Applicant. Although, we would advise that the monitoring proposed in [REP8-010] should validate the conclusions of the ES and RIAA with regards to significance of effects on the SAC. Furthermore, an appropriate threshold should be established to determine if 'significant' changes have occurred to the physical processes and physical environment within the SAC. This would, in turn, inform the benthic monitoring requirements in regard to changes in sediment depth and extent any deposition above 5cm within the M LS SAC and duration of recovery. Monitoring of these indirect effects on MLS SAC need to be appropriately secured.</p> <p>b) Kentish Knock East Marine Conservation Zone (KKE MCZ)</p>	<p>a)</p> <p>The Applicant welcomes NE's confirmation that this issue is resolved.</p> <p>The text NE refer to relates to the assessment rather than certified plans and the Applicant considers the assessment is sufficiently clear. No updates to plans are deemed by the Applicant to be required.</p> <p>The In Principle Monitoring Plan (IPMP) [REP8-009] secures monitoring to validate the ES and RIAA. The IPMP also secures that adaptive management will be reviewed in consultation with the MMO and NE should the monitoring results shows a greater impact than that assessed. This therefore represents the threshold which would inform the benthic monitoring requirements.</p> <p>b)</p> <p>The In Principle Monitoring Plan (IPMP) [REP8-009] secures monitoring to validate the ES and MCZA [REP7-019]. The IPMP also secures that adaptive management will be reviewed in consultation with the MMO and NE should the monitoring results show a greater impact than that assessed. This therefore represents the threshold which would inform the benthic monitoring requirements.</p> <p>It should be noted that no offshore wind farms have been required to provide MEEB or HRA compensation for temporary indirect effects on benthic ecology, including those OWFs which overlap with designated sites.</p> <p>North Falls' Array Area was reduced following Natural England' s42 feedback to avoid overlap with the KKE MCZ. And, not only does North Falls not overlap with the relevant MCZ, but moreover, in response to NE's Deadline 8 risk and issues log [REP8-099], the Applicant included a DCO condition to expressly secure the inherent 50m buffer from the KKE MCZ and</p>

SOS RFI REF	TOPIC	SOS RFI DATED 26 NOVEMBER 2025	NATURAL ENGLAND COMMENTS	APPLICANT'S RESPONSE
			<p>With regards to changes to marine physical processes, although there remains some residual uncertainty in terms of seabed mobility, seabed morphology and the potential for erosion/deposition in KKE MCZ adjacent to the array, we consider that substantial monitoring proposed [REP8-010] should be used to validate the ES and MCZA conclusions and were required inform any remediation measures. Specifically, it should demonstrate that there are no 'significant' indirect effects on KKE MCZ due to the Project installation and operation and maintenance and confirm that impacts to physical attributes and targets of the MCZ are negligible. An appropriate threshold should be established to determine if 'significant' changes have occurred to the physical processes and physical environment within the MCZ. This in turn should inform the requirement for benthic monitoring, especially in relation to changes in sediment depth and extent of any deposition above 5cm within the MCZ and duration of recovery. The rationale for this monitoring is because whilst we believe the risk of the conservation objectives of the MCZ being hindered are low based the figures as set out in AS-056 of a deposition depth between 5-15cm, there is still residual concerns because it no longer is considered light smothering under MarESA. We note that the deposition range of 5-15cm in AS-056, does not align with those secured in named plans, namely REP8-038 and REP8-043 where the deposition range is set out as <60cm over 1.5km radius of the MCZ. Whilst we believe this depth and distance is unrealistic; it is the worst case proposed. Therefore, Natural England advice in regard to hinderance of the MCZ conservation objectives not being excluded, as set out in Appendix K8 to our Deadline 8 response remains unchanged.</p> <p>In addition, these residual uncertainties will need to be reconsidered and assessed prior to construction to inform project design and the cable burial assessment. A condition should also be added to secure a 50m buffer from any hard substrate such as foundations or scour protection between the array and MCZ. The monitoring of indirect effects on the KKE MCZ should be appropriately secured.</p>	<p>the Project infrastructure (see Ref 35, Table 2.11 of the Applicant's Response to SoS Request for Information (Document reference 11.2)). As North Falls' approach is highly precautionary, the conclusion of the MCZA [REP7-019] is robust and there is no significant risk of hindering the conservation objectives of the MCZ, and to impose a requirement for MEEB/Benthic compensation would be unjustified, unprecedented and disproportionate.</p> <p>In contrast, the recently consented Five Estuaries OWF is required to compensate for 5,400m² of habitat loss as a result of its overlap, but for North Falls there is zero overlap and no habitat loss.</p> <p>Therefore, the Applicant considers that MEEB/Benthic compensation for KKE MCZ (and the Outline Benthic Compensation/MEEB Implementation and Monitoring Plan [REP8-038]) is not required.</p> <p>Furthermore, [REP8-038] is consistent with [AS-056], with both documents referring to 5-15cm deposition for MLS SAC.</p> <p>[REP8-043] (Applicant's Response to Natural England's Deadline 7 submissions) is not a certified plan and is consistent with [AS-056], with both documents referring to 5-60cm deposition over a small area of the KKE MCZ.</p> <p>The MCZ Assessment [REP7-019] (paragraph 218-219) assesses 5-60cm deposition as heavy smothering and considers the receptors of the KKE MCZ which are most sensitive to this pressure, in accordance with MarESA. Therefore, the assessment takes a conservative worst case scenario approach in reaching the conclusion that there will be no significant risk of hindering the conservation objectives of the KKE MCZ. It is further noted that NE's position is that the risk of hindering the conservation objectives is "low". This does not meet the MCAA 2009 threshold of "significant risk" of hindering the conservation objectives of the MCZ.</p> <p>As noted above, monitoring is secured via the IPMP [REP8-009].</p>
36	OFFSHORE ECOLOGY Benthic and Intertidal Ecology	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.	Natural England welcomes the proposal to secure that post construction monitoring of 'reef' features will be undertaken within an appropriate timeframe. In relation to the biogenic reef features found within the red line boundary of the NF project, Natural England advises that post construction surveys should be undertaken once seabed disturbance from construction activities has ceased for at least 12 months to ensure the greatest likelihood of capturing habitat recovery. Additionally, we consider the IPMP should be amended to note that, should the monitoring highlight an impact significantly greater than assessed, or a failure to recover further monitoring works and potentially remedial action may be required by the MMO after consideration of advice from the relevant SNCB.	The Applicant notes that Natural England request at least 12 months between the cessation of construction before monitoring is undertaken. In the Applicant's response in Table 2.11, Ref 36 of the Applicant's Response to Secretary of State's Request for Information (Document Reference 11.2), the Applicant also suggested that completion within 12 months would not be appropriate, and proposed as an alternative that post-construction monitoring could commence within 12 months. This matter can be, and is best addressed, post consent during the development of the monitoring plans, informed by the detailed design and in consultation with Natural England (such consultation being required of the MMO under the relevant conditions 27 / 28 / 27 of the DMLs in Schedules 8 / 9 / 10 respectively [REP8-005]).
38	OFFSHORE ECOLOGY Benthic and Intertidal Ecology	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	As advised within our Relevant and Written Reps and summarised in our Risks and Issues log as Issue A25 the current DCO does not limit the Applicant to deployment of scour protection below the maximum volume assessed. Cable protection is limited to deployment over a maximum period of ten years from consent by condition 35, scour protection is not limited in the same way. We would assume based on the current drafted deemed marine licence Schedules 9,10 and 11 that deployment of scour protection as replenishment would be limited only by the maximum volume detailed in the Schedule	Please see the Applicant's response to MMO on this issue at C1-007, para 1.2.5 above.

SOS RFI REF	TOPIC	SOS RFI DATED 26 NOVEMBER 2025	NATURAL ENGLAND COMMENTS	APPLICANT'S RESPONSE
		Offshore Operations and Maintenance Plan [REP8-023] and the level of scour protection replacement assessed within the ES.	and reported under condition 31 and once the maximum volume was reached a new Marine Licence would be required. We advise that this should be subject to similar provisions as cable protection replenishment i.e. that scour protection can be placed only up to a maximum of ten years post grant of consent, with exception of replacement of existing areas of scour protection that do not increase the footprint of the scour protection.	
42	OFFSHORE ECOLOGY Marine Mammals	<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>"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;"</p>	Natural England is in agreement with the proposed amendment.	Please see the Applicant's response in Table 2.11, Ref 44 of the Applicant's Response to the Secretary of State's Request for Information (Document Reference 11.2).
44	OFFSHORE ECOLOGY Marine Mammals	<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>"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.</p> <p>(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.</p> <p>(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.</p> <p>(4) In approving the SIP, the MMO must determine whether the authorised scheme at the preconstruction stage, in-combination with other plans and projects, would be in line with the JNCC Guidance.</p>	<p>Natural England agrees with the proposed paragraphs, in particular, we welcome paragraph 3 relating to the timing of the SIP submission. However, it is not clear which JNCC Guidance the text is referring to (paragraphs 2, 4 and 5). Thus, Natural England advises that a new interpretation is included to specify which document the condition is referring to and to avoid any ambiguity. Additionally, we would recommend the interpretation of this JNCC Guidance state that it also includes any future iterations of this guidance document or any subsequent replacements. This would future proof the condition against any changes to standard guidance.</p> <p>Please also note that the primary point of contact details for Natural England on Pages 89, 110 and 132 of [REP8-006] are now out of date and should be updated as follows: Natural England, Teville Gate House, 25 Railway Approach, Worthing, BN11 1UR.</p>	Please see the Applicant's response in Table 2.11, Ref 44 of the Applicant's Response to the Secretary of State's Request for Information (Document Reference 11.2).

SOS RFI REF	TOPIC	SOS RFI DATED 26 NOVEMBER 2025	NATURAL ENGLAND COMMENTS	APPLICANT'S RESPONSE
		<p>(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>		
47	ONSHORE ECOLOGY	<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>“(1) No stage of the authorised project within the onshore Order limits (excluding any onshore site preparation works) may commence until—</p> <p>(a) a biodiversity net gain strategy has been approved in writing by the relevant planning authority;</p> <p>(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</p> <p>(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.</p> <p>(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).</p> <p>(3) The biodiversity net gain strategy must be implemented as approved.</p> <p>(4) Any remaining shortfall in biodiversity units identified following detailed design will be secured prior to construction works being completed.</p> <p>(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.”</p>	<p>Natural England is encouraged by the Applicant’s continued commitment to provide BNG for this project, however, we advise that it is for Essex County Council (ECC) as the Local Planning Authority (LPA) to sign off the strategy, not in consultation with Natural England.</p>	<p>Noted. The Applicant refers to its response at Table 2.12 (ref 47) in the Applicant’s Response to the Secretary of State’s Request for Information [Document reference: 11.2, (rev 0)].</p>

SOS RFI REF	TOPIC	SOS RFI DATED 26 NOVEMBER 2025	NATURAL ENGLAND COMMENTS	APPLICANT'S RESPONSE
NE REF		NE LETTER DATED 16 DECEMBER 2025		APPLICANT'S RESPONSE
<p>Appendix 1 Natural England's Detailed Advice on HRA - Benthic Ecology & Benthic Compensation</p> <p>Upon review of the documents submitted by the Applicant at Deadline 8, and potential changes to Natural England's advice provided during examination we draw your attention to our response to Q31b above. We also highlight the updated CSIP [REP8 – 048] has removed the used of grabs to move boulder clearance, which we consider to be acceptable as long as our advice presented in [REP6-028] in relation to placement of boulders not being placed in a linear formation is secured. We also query if these changes are reflected in 7.6 Outline Project Environmental Management Plan.</p> <p>In relation to all other matters Natural England's advice remains unchanged from that provided in our following responses:</p> <ul style="list-style-type: none"> ▪ [REP7-087] Appendix C7 to the Natural England Deadline 7 Submission Natural England's Benthic Ecology Advice on the Applicant's Deadline 6 Documents ▪ [REP7-092] Appendix M7 to the Natural England Deadline 7 Submission Natural England's comments on the Examining Authority's 3rd Written Questions on the North Falls OWF Application [PD-016 & PD-017] ▪ [REP8-096] Appendix B8 to the natural England Deadline 8 Submission – Natural England's Marine Processes Advice on the Applicant's Deadline 7 Documents ▪ [REP8-097] Appendix C8.1 to the Natural England Deadline 8 Submission Natural England's Benthic Ecology Advice on the Applicant's Deadline 7 Documents ▪ [REP8-098] Appendix C8.2 to the Natural England Deadline 8 Submission Natural England's advice on the Applicant's without prejudice Benthic Compensation Implementation and Monitoring Deadline 7 documents ▪ [REP8-095] Natural England's Deadline 8 Cover Letter <p>Whilst our preference remains for strategic compensation to be adopted, where the Secretary of State deems it necessary, Natural England provides the following without prejudice advice on the Applicant's [REP08-050] Without prejudice HRA - MCZA DCO Schedules (Rev 3).</p> <p>Natural England notes the inclusion of wording to include in the event Measures of Equivalent Environmental Benefit (MEEB) are required. The wording regarding the Benthic MEEB Steering group is similar to wording used on compensation schedules and our comments within our Relevant and Written Reps A18 apply here as well.</p> <p>Wording at condition 4 (3) of this schedule does not provide sufficiently to ensure appropriate monitoring, or adaptive management. As per our Relevant and Written Reps Comment A19, more detail on the timing of this requirement and the factors triggering a need for adaptive management should be included.</p> <p>The proposed wording does not state when MEEB need to be in place, i.e. prior to works. There appears to be no condition stating the MEEB measures need to be maintained for the lifetime of the project (or potentially longer). Nor does there appear to be any condition related to any decommissioning, or a need for approval for any stop in maintenance of the MEEB. Similar to comments raised in our Relevant and Written Reps A22. We would advise that these issues should be secured through appropriate wording.</p>				<p>The Outline CSIP [REP8-048] paragraph 18 confirms “<i>There will be no linear arrangement of boulders.</i>” This is also reflected in the Outline Project Environmental Management Plan [REP6-028], Section 7.2.3.</p> <p>See the Applicant's response to Ref 31, noting that Benthic Compensation/MEEB should not be required, and therefore the Without prejudice HRA - MCZA DCO Schedules [REP8-050] should not be required. However, without prejudice to its position that Benthic compensation / MEEB is not required, the Applicant notes that its without prejudice wording [REP8-050] is aligned with Natural England position that strategic compensation for benthic impacts is preferred, by providing for payment to the MRF (or other strategic compensation fund), but that alternatively (in the event strategic compensation is not used) that relevant works cannot commence until a BIMP is submitted to the Secretary of State. Moreover, the approved BIMP would require to accord with the Outline BIMP [REP8-037], subsequently it will require a confirmed delivery programme of the compensation/MEEB, and appropriate monitoring and adaptive management – addressing the issues raised by Natural England.</p> <p>Aside from the without prejudice position, the Applicant has already committed to monitoring of impacts from the array area. This will be delivered in accordance with the In Principle Monitoring Plan, conditioned by the dDCO (condition 27, schedule 8) which in turn will further validate the findings of the ES, the Benthic RIAA [REP7-0123] and MCZA [REP7-019] which allowed for determining that there will be no adverse effect on integrity on MLS SAC and no risk of hindering the conservation objectives of KKE MCZ.</p>
<p>Appendix 2 Natural England's Marine Mammal Advice on the Applicant's Deadlines 7 and 8 Submissions</p> <p>1. [REP8-031] 7.7 Draft Marine Mammal Mitigation Protocol, Rev 4</p> <p>Natural England acknowledges that the Applicant included the statement on the alternative monitoring strategies in the main body text in the Draft MMMP v4 as per our advice. Also, we note that the text (Section 1.4.3.2.2) has been amended to ensure PAM, if required, will be used in conjunction with the MMObs for the UXO clearance mitigation procedures. However, we note that this amendment does not fully reflect our advice since the use of PAM remains tentative. Thus, Natural England will engage further with the Applicant during the post-consent phase in order to agree the details of the mitigation measures in the final MMMP.</p> <p>2. [REP8-043] 9.115 Applicant's Response to Natural England's Deadline 7 submissions (Rev 0)</p> <p>Table 2.6 Applicant's Response to Natural England's comments regarding Appendix K7 [REP7-090], Applicants response at Deadline 8:</p> <p>Natural England considers the following issues now resolved:</p>				<p>Noted, the Applicant will engage NE during the development of the MMMP post consent.</p>

SOS RFI REF	TOPIC	SOS RFI DATED 26 NOVEMBER 2025	NATURAL ENGLAND COMMENTS	APPLICANT'S RESPONSE
				<ul style="list-style-type: none"> ▪ REP7-090_e4 (worst case scenarios), ▪ REP7-090_e5 (harbour seal density), ▪ REP7-090_e6 (underwater noise modelling period), ▪ REP7-090_e7 (PTS), ▪ REP7-090_e8 (SIP requirements), ▪ REP7-090_e8 (disturbance by UXO clearance), ▪ REP7-090_e8 (soft start duration), ▪ REP7-090_e12 (sub bottom profiler licence), ▪ REP7-090_e14 (EDRs)

2.8 Applicant's Response to Cobra Mist Limited – C1-009

REF	TOPIC	COBRA MIST LIMITED COMMENTS	APPLICANT'S RESPONSE
20 0504 58	North Falls compensation site for Lesser Black Backed Gulls (LBBG)	<p>Dear Sir/Madam</p> <p>It is noted that you have requested further information from the Applicant by the close of play today regarding negotiations with the landowner for the provision of a compensation site in respect of LBBG. So that you are aware, there have been negotiations between North Falls and Cobra Mist Limited (CML) regarding the possible availability of a nesting site on Orford Ness. Such site would have been eminently suitable, and an adjacent site is already in use by Vattenfall and other wind farm operators. However, the terms proposed and rigidly stuck to by the Applicant were not acceptable to CML. They required CML to grant a lease (in the guise of an option) which permitted the Applicant to act as if they were the freeholder and tied the rest of CML's wide-ranging business up for many years. Furthermore, on the basis that the Applicant's position was uncertain; despite acquiring all the rights they required for Compensation purposes, they were not prepared to pay the amount comparable to that paid by similar wind farms until many years down the road. Substantially the whole of the risk was to be put on CML, but without the attendant reward. In addition, the Applicant said they wished to continue negotiations, but without any near term end in sight. CML had neither the time, effort or inclination to go along with this. The Inspectorate will not be surprised that as a result CML formally withdrew from negotiations in writing regarding the Compensation land a while ago. We thought the Inspectorate should know. The site is still eminently suitable for LBBG nesting, but CML is not prepared to have any further negotiations unless the Applicant recognises that CML is not going to waste further time and effort on a fruitless exercise in order to keep the Inspectorate content.</p>	<p>The Applicant notes the response to the Secretary of State Consultation 1 [C1-009] made by Mr Nicholas Gold on behalf of Cobra Mist Limited ("CML").</p> <p>As referenced in the Applicant's HRA Land Rights Tracker [Document reference 9.75, Rev 3], the Applicant met with CML on 8 December 2025 to discuss proposals for land rights in relation to delivery of compensation for lesser black backed gull ("LBBG").</p> <p>The Applicant confirms that the proposals discussed with CML and in subsequent correspondence comprised an option for the grant of a lease over a defined and limited area of land within CML's wider ownership solely for the purposes of delivering LBBG compensation.</p> <p>The proposals did not extend to, nor restrict or otherwise affect CML's retained land or wider business operations and did not confer rights equivalent to freehold ownership.</p> <p>Negotiations have not progressed owing to differences regarding commercial terms and CML have indicated that they do not wish to continue negotiations at this time. The Applicant remains committed to constructive engagement and would welcome the opportunity to resume discussions with CML should their position change.</p> <p>The Applicant confirms that while negotiations with CML have ceased, the Applicant continues to hold positive discussions regarding alternative sites with other land interests for LBBG compensation as demonstrated within the HRA Land Rights Tracker [Document reference 9.75, Rev 3] and is confident that the LBBG compensation strategy for North Falls Offshore Wind Farm remains deliverable.</p>

2.9 Applicant's Response to Addleshaw Goddard LLP on behalf of London Gateway Port Ltd – C1-038

REF	TOPIC	ADDLESHAW GODDARD LLP ON BEHALF OF LONDON GATEWAY PORT LTD COMMENTS	APPLICANT'S RESPONSE
C1-038	Response to Secretary of State Consultation 1	<p>We act for London Gateway Port Limited (LGPL). We refer to your letter of 26 November 2025 (addressed to LGPL and others). We apologise that our response is slightly beyond the deadline.</p> <p>In your letter, you requested that LGPL and the Applicant provide you with an update on any further agreement regarding the form of protective provisions (PPs) for the benefit of LGPL to be included in the Order, if made.</p>	<p>The Applicant engaged with LGPL throughout Examination to ensure that issues raised by it are addressed and LGPL interests are protected 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). As the Applicant has adequately addressed issues raised by LGPL, there is no need for PPs as that would duplicate controls contained in the dDCO/DMLs. Nevertheless, the Applicant provided without prejudice PPs at the close of Examination [REP7-059].</p>

REF	TOPIC	ADDLESHAW GODDARD LLP ON BEHALF OF LONDON GATEWAY PORT LTD COMMENTS	APPLICANT'S RESPONSE
		<p>LGPL set out its position at the close of the Examination in document REP8-088 to the effect that LGPL did not agree with the form of the PPs submitted by the Applicant and, instead, LGPL required PPs in the form set out in REP7-079.</p> <p>LGPL has heard nothing further from the Applicant since the close of the Examination. We contacted Pinsent Masons LLP who act on behalf of the Applicant on 5 December 2025. They confirmed that the Applicant's position remains that no PPs are required for LGPL and as such the Applicant does not intend to negotiate the form of the PPs with LGPL.</p> <p>LGPL is disappointed by this position which means that the parties will not be able to progress towards an agreed position to assist the Secretary of State. LGPL has no option but to confirm and reiterate that its position is that the form of the PPs set out in REP7-079 is required.</p>	

ANNEX A: APPLICANT'S RESPONSE TO NATURAL ENGLAND REF 26

1. The Applicant has sought advice from Dr O'Brien who was formerly at the Joint Nature Conservation Committee (JNCC) and co-led boundary placement work for the OTE SPA, along with other English marine SPAs with RTD non-breeding season features.
2. The OTE SPA boundary was drawn using observations of RTDs from visual aerial surveys undertaken during October to March in the winters of 2001/02 to 2006/07, inclusive. There were between 1 and 7 surveys undertaken each winter, with a total of 19 surveys across the six winters (Webb *et al.*, 2009; O'Brien *et al.*, 2012).
3. Raw observations of RTDs were smoothed for each of the 19 surveys, using kernel density estimation with a 3 km smoothing parameter, and a grid of 1km x 1km cells. All smoothed surfaces were summed and then divided by effort (number of times a cell was surveyed) to produce a single density surface comprising the 19 individual surveys. Lastly, the density surface was scaled such that the sum of the values in all cells was equal to the RTD population estimate for the survey area. This created a density surface which was used to inform placement of the RTD boundary (Figure 1).

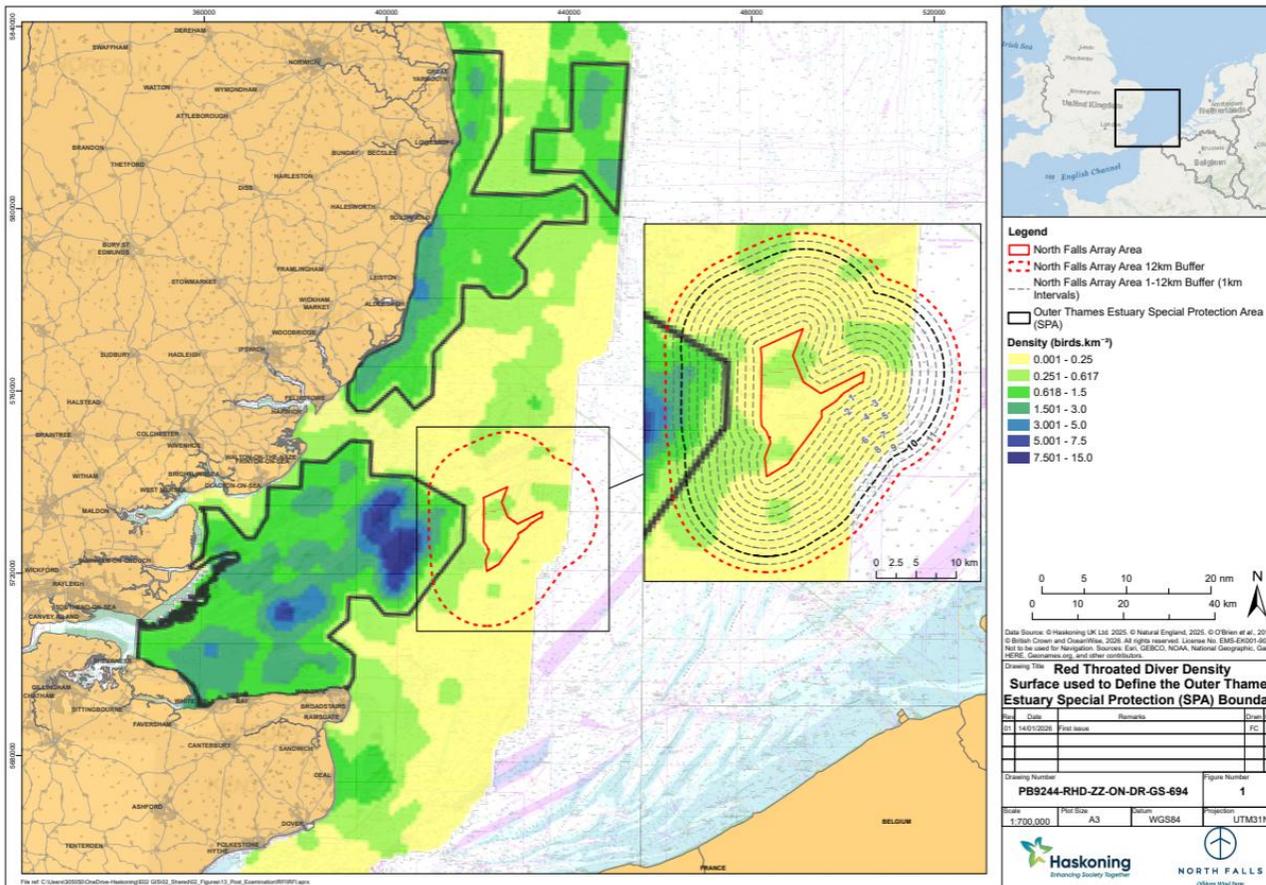


Figure 1. RTD density surface used to define the location of the OTE SPA boundary. Figure reproduced from Fig. 2 in O'Brien et al., 2012 to also show the area of overlap with the North Falls OWF 12 km buffer and 1km intervals³.

³ 1km intervals are considered in the RIAA noting evidence that displacement decreases with distance from a turbine array. It is also noted that SNCB (2022) Interim Advice states that "For non-breeding red-throated diver, a pragmatic displacement buffer of at least 10km is recommended for use in site characterization, impact assessments and post consent monitoring where a plan or project is within 10km of a Special Protection Area (SPA) designated for non-breeding red-throated diver." The 10km buffer is shown in bold

4. The RTD density surface shows some high-density areas (in blue) and lower density areas (yellow and green). Maximum curvature was used to identify a threshold density for drawing the SPA boundary, of 0.618 birds.km⁻² (O'Brien *et al.*, 2012)⁴. All cells with a value greater than this threshold density were included within the SPA boundary. The boundary was drawn to be as simple as possible, following lines of longitude and latitude (O'Brien *et al.*, 2012). This meant that some lower density areas (i.e. below the threshold value) were also included within the SPA boundary.
5. Cleasby *et al.* (2020) reviewed maximum curvature as a method for defining a marine protected area boundary. They compared it with other methods and found that maximum curvature selected the largest areas and produced boundaries that were relatively complex and fragmented. Cleasby *et al.* (2020) note that for widely ranging species, extremely large areas often covering areas of relatively low density may be required before the point of maximum curvature is reached. Consequently, it is therefore not surprising that the OTE SPA boundary includes areas of low RTD density.
6. In Figure 1, it can be seen that the boundary includes some cells with a density less than the threshold, in the area overlapped by the North Falls OWF 12 km buffer. These cells are indicated by a strip of paler green at the western edge of the OTE SPA boundary closest to the North Falls array. Had a more complex boundary been drawn, which did not follow the lines of latitude and longitude, these cells would not have been included within the SPA. This does not mean that the OTE SPA boundary is 'incorrect', but that it does include areas of low RTD density, as well as high density areas of national and international importance. The Applicant notes Natural England's statement

⁴ Note that this threshold density was based on the surveys carried out to determine the SPA boundary, between 2001/02 to 2006/07 (as described above). This threshold was determined using a relative density surface, scaled to the population estimate obtained from surveys at the time. Consequently, this threshold density, used for drawing the boundary, cannot be directly compared with other RTD densities. This threshold density is the point of maximum curvature, based on the relative density surface, not an absolute universal measure of important RTD densities. Subsequent surveys of the SPA using different survey methods have found higher RTD densities throughout the SPA. The threshold density used to inform placement of the OTE SPA boundary cannot be compared with densities from more recent surveys.

that “Existing levels of shipping disturbance may well be influencing or depressing red-throated diver (RTD) utilisation of the area, though clearly not completely. We again highlight that the time of classification, this disturbance did not reduce usage by RTD in this area to a level where the densities did not warrant its inclusion within the SPA boundary.” Whereas in fact the SPA boundary within the 12km buffer of North Falls does include some areas where RTD densities were lower than the threshold value identified for inclusion in the SPA but were included to simplify the boundary. And further, the reduced densities in these areas may be related to high levels of shipping traffic.

7. There is also more recent evidence that RTD density in the part of the SPA overlapped by the North Falls buffer is relatively low. During two digital aerial surveys of the OTE SPA in February 2018, mean RTD density across the whole SPA was 2.58 birds.km⁻² and 5.78 birds.km⁻² in the first and second survey, respectively (Irwin *et al.*, 2018). In the southern part of the SPA, where RTDs occurred in higher densities, the mean density was 3.64 and 7.10 birds.km⁻², for the first and second surveys, respectively.
8. Comparing these whole-SPA density estimates with densities from within the much smaller area of the overlap between the SPA and the North Falls 12 km buffer, showed that the RTD density within the 12 km buffer part of the SPA was much lower. For the same surveys, mean density in the North Falls buffer for the first survey (4 February 2018) was 1.31 birds.km⁻², compared to 3.64 birds.km⁻² for the southern part of the SPA. For the second survey in 2018 (17 February), mean density in the North Falls buffer was 0.59 birds.km⁻², compared to 7.10 birds.km⁻² for the southern part of the SPA (Table 1).

Table 1. Mean and upper/lower confidence limits (UCL/LCL) of RTD density within 1km buffer bands inside the Outer Thames SPA, within the 12km buffer of North Falls. Redrawn from RIAA Appendix 4.1.

Buffer	Distance to NFOW (km)	Mean density (LCL, UCL) 04 February 2018	Mean density (LCL, UCL) 17 February 2018	Mean density (LCL, UCL) 22 January 2021	Mean density (LCL, UCL) 13 February 2021	Area (km ²)
1	5	1.17 (0.31 - 3.91)	0.28 (0.02 - 1.17)	0.12 (0.04 - 0.26)	1.62 (0.94 - 2.57)	4.2
2	6	1.15 (0.39 - 2.91)	0.28 (0.02 - 1.10)	0.14 (0.05 - 0.32)	1.86 (1.14 - 2.86)	9.7
3	7	1.1 (0.38 - 2.52)	0.34 (0.04 - 1.26)	0.19 (0.08 - 0.41)	2.26 (1.40 - 3.55)	11.4
4	8	1.12 (0.35 - 2.86)	0.43 (0.04 - 1.78)	0.24 (0.10 - 0.47)	2.63 (1.71 - 4.02)	13.1
5	9	1.02 (0.38 - 2.42)	0.50 (0.08 - 1.84)	0.33 (0.13 - 0.66)	3.03 (1.91 - 4.58)	15.0
6	10	1.05 (0.39 - 2.27)	0.61 (0.14 - 2.00)	0.42 (0.18 - 0.82)	3.12 (1.98 - 4.50)	16.7
7	11	1.34 (0.57 - 2.68)	0.82 (0.19 - 2.23)	0.58 (0.25 - 1.23)	3.11 (1.99 - 4.74)	18.4
8	12	1.92 (0.94 - 3.66)	0.96 (0.31 - 2.34)	0.68 (0.31 - 1.35)	3.08 (1.91 - 4.60)	20.2
Whole area	NA	1.31 (0.54 - 2.80)	0.59 (0.12 - 1.80)	0.40 (0.18 - 0.80)	2.81 (1.71 - 4.45)	108.67

9. Disturbance from vessel traffic in the shipping lane may be driving the low RTD density in this part of the OTE SPA, closest to the North Falls OWF. The North Falls' Appendix to the Applicant's Response to the Secretary of State's Request for Information (December 2025) [Document reference 11.3] showed a high density of shipping to regularly occur in the 12 km buffer area overlapping the SPA and also in the area outside the SPA between the SPA boundary and the North Falls array area. Irwin *et al.* (2018) also recorded vessels within the shipping lane adjacent to the North Falls array area (Figure 9 in Irwin *et al.*, 2018). They also found higher RTD densities at 5-8 km from the shipping lanes in the SPA (Figure 35 in Irwin *et al.*, 2018).
10. The above information suggests that RTDs have occurred in lower densities in this part of the outer Thames Estuary for many years, including during 2001/2002 – 2006/2007 when surveys were being carried out that were used to define the OTE SPA boundary. These lower densities may be due to vessel traffic in the shipping lanes in this part of the SPA and immediately outside of the SPA boundary. Furthermore, the RTDs using this part of the SPA are very likely to be individuals that are more tolerant of disturbance, as they are recorded in the shipping lanes and in the area immediately adjacent to it.
11. The consequence of this is that there are likely to be relatively few RTDs using the area where the 12km North Falls buffer overlaps with the SPA. Individuals that are using this area may be relatively tolerant of disturbance. This supports

the Applicant's conclusion that North Falls would not have a material contribution to an in-combination adverse effect on the integrity of the OTE SPA. As stated in the Appendix to the Applicants Response to Secretary of State's Request for Information [Document reference 11.3], two shipping lanes pass through the 12km buffer to the west of North Falls, one partially overlapping with the SPA and one lying between the SPA and North Falls, and the North Falls array area is further away from the SPA than the shipping lanes. Thus, the shipping lanes would be the closest source of potential displacement for RTD within the 12km buffer of North Falls where it overlaps with the SPA ([APP-178], Figure 4.1).

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