

To:
The Applicant,
Natural England,
Marine Management Organisation,
Network Rail,
London Gateway Port Limited,
Harwich Haven Authority

Our Ref: EN010119

28 January 2026

Dear Sir or Madam,

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

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

REQUEST FOR INFORMATION

1. Following the completion of the Examination on 28 July 2025, the Examining Authority submitted a Report and Recommendation in respect of its findings and conclusions on the above application to the Secretary of State on 28 October 2025.
2. On 26 November 2025, the Secretary of State requested information from specific parties in the First Information Request (“FIR”) letter. On 18 December 2025, the Secretary of State invited all Interested Parties (“IPs”) to comment on the responses received.
3. On 15 January 2026, the Secretary of State decided to extend the statutory deadline to 28 April 2026, and the extension has been confirmed in a statement to Parliament in accordance with section 107(7) of Planning Act 2008.
4. The Secretary of State would be grateful if the following parties could provide updates or information as appropriate in response to the queries set out in this letter: **the Applicant, Natural England (“NE”), Marine Management Organisation (“MMO”), Network Rail (“NR”), London Gateway Port Limited (“LGPL”) and Harwich Haven Authority (“HHA”).**

Assessment of Indirect Effects on Margate and Long Sands Special Area of Conservation (“MLS SAC”) and Kentish Knock East Marine Conservation Zone (“KKE MCZ”) and Associated Monitoring

5. The **Applicant** is requested to provide details on how effects from sediment deposition (from construction activities), and subsequent recovery, in the MLS SAC and KKE MCZ could be validated. Accordingly, the **Applicant** is requested to clarify (or update) how the In-Principle Monitoring Plan (“IPMP”) includes a mechanism to agree with NE and the MMO (post consent) a threshold of change, to facilitate the potential monitoring of indirect effects within the MLS SAC and KKE MCZ to validate the conclusions of the Environmental Statement (“ES”), Report to Inform Appropriate Assessment (“RIAA”) and Marine Conservation Zone Assessment (“MCZA”) with regards to significance of effects from construction activities.
6. The **Applicant** is requested to confirm for clarity if mitigation in the Outline Sediment Disposal Plan [REP8-045] (and the infrastructure buffer noted in paragraph 7 below) is reflected in the Hydrodynamic and Dispersion Modelling [REP7-041] and predicted sediment deposition within the KKE MCZ, noting that NE state in its response to the FIR (section 31b) [C1-008] that the depth (and distance) of deposition may be unrealistic.
7. The **Applicant** is requested to comment on, or confirm that it is content with, the request by the MMO in its response to the all IP consultation [C2-003] in relation to Condition 35, Schedule 8 'Placement of Infrastructure in Proximity to Kentish Knock East Marine Conservation Zone', to include a provision that agreement must be reached with the MMO six months prior to installation.

Compensation for Ornithological Features Including Lesser Black-Backed Gull (“LBBG”), Kittiwake, Razorbill and Guillemot

8. The **Applicant** is requested to confirm its intention to secure 48 nest sites (representing a 20% share of the kittiwake tower at Gateshead), noting this exceeds the Applicant’s proposed compensation target derived from the calculated Central Impact Value (“CIV”) of apportioned collisions.
9. Noting that NE’s risks and issues log [REP8-099] highlights that the Applicant has not quantified the scale of the compensation measure that would be required to address the 95% Upper Confidence Interval (“UCI”) impacts on breeding guillemots, the **Applicant** is requested to further clarify the justification in regard to the scale of compensation proposed [REP6-015] in proportion to the impact.
10. Considering that there is ongoing site selection for guillemot and razorbill compensation, and that measures are common with a number of other projects (as listed in REP3-010), the **Applicant** is requested to confirm the availability of sites to deliver compensation for guillemot and razorbill, and the level of coordination undertaken with other projects.
11. In light of the comments from Cobra Mist Limited (“CML”) submitted in response to the FIR [C1-009], and NE’s response (section 1.1) to the all IP consultation [C1-

008], the **Applicant** is requested to align, as necessary, the LBBG Compensation Implementation and Monitoring Plan (“CIMP”) [C1-033] and HRA land rights tracker [C1-013] provided in response to the FIR, regarding the use of the CML site. The **Applicant** is further requested, in relation to LBBG, to suggest wording to secure in the DCO seasonally appropriate surveys and an adaptive mitigation strategy covering installation and maintenance as noted by NE’s response (section 1.1) to the all-IP consultation [C2-006].

Red-throated diver (“RTD”) Assessment, Mitigation and Compensation

12. **NE** is invited to respond to the information submitted by the Applicant in Annex A in its response to the all-IP consultation [C2-010].
13. The **Applicant** is asked to consider the dates proposed in the wording for a seasonal restriction on cable laying in line with NE’s all IP consultation response in section 1.2 [C2-006]. The **Applicant** is also requested to consider the detail provided in its FIR response; specifically the ‘OTE SPA + 2km Buffer Mitigation Strategy’ within the updated outline Project Environmental Management Plan (“PEMP”) [C1-027]. While it is acknowledged that the strategy for reducing potential impacts to RTD can be further detailed and agreed in the final PEMP, the **Applicant** is requested to include wording that provides for additional measures to be considered in the finalisation of the plan, and in light of comments made by NE in its all-IP consultation response (section 1.2).
14. Noting that NE considers a package of compensation measures for RTD would be preferable, the **Applicant** is requested to comment on how the RTD monitoring listed in Table 5.4 of the IPMP could supplement the provision of rafts/habitat enhancement in Scotland and how this is reflected in the outline RTD CIMP [C1-032].
15. In light of the RTD site selection report provided by the Applicant in response to the FIR, the **Applicant** is requested to comment on the progression of site selection and landowner support regarding alignment to the three potential scenarios outlined in the RTD Compensation Document [REP6-016]. This response should include any further justification as to why a suitable scale of compensation would be provided (relative to the potential impact) in the event that all proposed 20 waterbodies were to be used for rafts.
16. The **Applicant** and **NE** are requested to comment on the following text that was included in the original compensation document [APP-190], but subsequently removed, and confirm if the number of waterbodies required should be confirmed depending on the final site locations and measures selected:

‘The number of waterbodies would be subject to the size of the selected waterbodies, as well as site investigations and land agreements.’
17. The **Applicant** is requested to confirm the number of breeding seasons (and breeding season dates) the RTD compensation is proposed to be implemented for before the construction of Work No. 1, given the potentially conflicting information

and updates in ref. 30 of the Applicant's response to the FIR, as noted below and the Without Prejudice HRA DCO Schedules [REP7-043/REP8-050]:

'Following the surveys in 2025, the Applicant remains confident that 20 appropriate sites can be secured in sufficient time for the compensation to be deployed one breeding season prior to construction, in accordance with the Without prejudice HRA DCO Schedules [REP7-043].'

'Paragraph 6 of the RTD Part of the Without Prejudice HRA DCO Schedules is required to be amended as follows:-6. No construction of Work No. 1 may commence until –(1) the compensation measure has been implemented for at least three breeding seasons, unless commencement of construction... For the purposes of this paragraph each breeding season is 1 March to 31 July of each year inclusive'

In-Principle Monitoring Plan

18. The **Applicant** is requested to ensure a mechanism is secured in the IPMP for the Applicant to agree a suitable timescale for post-construction monitoring, based on pre-construction survey results and including biogenic reef, with the MMO and NE post consent. Given the comments provided by the MMO (paragraph 1.2.2) [C1-007] and NE (section 36) [C1-008] in their responses to the FIR, and NE's response to the all IP consultation [C2-006], the Secretary of State requests that, if possible, the Applicant consults with the MMO and NE to agree if updates to the IPMP are required, and update accordingly.

Scour and Cable Protection

19. The Secretary of State notes that the MMO has suggested the inclusion of a 'reporting cable protection' provision to include scour protection [C1-007] and the Applicant has indicated in its response to the all IP consultation that it is willing for this provision (albeit slightly amended) to be included in the DCO. The **MMO** and the **Applicant** are requested to provide any amendments to this wording to include scour protection, and which may be necessary in each DML (Schedules 8, 9 and 10).

DCO Drafting

20. The **MMO** and the **Applicant** are requested to comment on the proposed wording for a winter piling restriction for herring spawning, should this be required, and whether this is appropriate for each of the DMLs (Schedules 8, 9 and 10):

'No percussive piling may take place between 1st November to 31st January (inclusive) in any year for the protection of spawning herring unless otherwise agreed in writing with the MMO.'

21. The **MMO** is requested to explain whether the MMO's preferred definition of Mean High Water Springs ("MHWS") has any material impact on the parameters of the Proposed Development as they are currently defined, in relation to MHWS, in Article 2 of the DCO.

22. The **MMO** is asked to clarify whether any further progress has been made on the designation of the disposal ground(s) since the close of the Examination, noting the alternative wording proposed in the MMO's closing statement [REP8-102].
23. The **Applicant** is requested to confirm that all the conditions in Schedule 10 accurately reflect the activities in relation to Work No. 2(b) and the listed design parameters, given there is no reference to platform interconnector cables.

Design

24. The **Applicant** is requested to provide the Joint Design Guide document. If not available, the **Applicant** is requested to provide the document as soon as it is available and advise when they expect this to be.
25. In view of Essex County Council and Tendring District Council's response to the all-IP consultation (section 7.14) [C2-004], the **Applicant** is requested to respond to the Councils' comments and confirm how these concerns are addressed in the Joint Design Guide and if there are any implications to the conclusions of the ES.

Protective Provisions

26. The **Applicant** and **NR** are requested to provide a further update on the protective provisions, the Framework Agreement, and the voluntary property agreement relating to the rights required to construct, use and maintain the Proposed Development on, or in respect of, railway property with NR.

Acquisition of Lands and Rights

27. The **Applicant** is requested to provide a further update on outstanding agreement(s) and negotiation(s) with respect to Compulsory Acquisition and/or Temporary Possession matters.
28. **LGPL** and **HHA** are requested to provide their address for returns and correspondence for service of documents for insertion in paragraph 1(5) in Part 1 of Schedule 9, should consent be granted.

Deadline for Response

29. Responses to the requested information should be submitted by email only to NorthFalls@planninginspectorate.gov.uk by **23:59 on 16 February 2026**.
30. Responses will be published on the North Falls Offshore Wind Farm project page of the National Infrastructure Planning website as soon as possible after 16 February 2026: <https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010119>
31. This letter is without prejudice to the Secretary of State's consideration of whether to grant or withhold development consent for the Proposed Development or any part of the Proposed Development. Nothing in this letter is to be taken to imply what the

eventual decision might be or what final conclusions the Secretary of State may reach on any particular issue which is relevant to the determination of the application.

Yours faithfully,

John Wheadon

John Wheadon

Head of Energy Infrastructure Planning Delivery & Innovation

Department of Energy Security & Net Zero