

Date: 13 February 2026
Our ref: 27843/539871
Your ref: EN010119



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BY EMAIL ONLY

Dear Sir/Madam,

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

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

The following constitutes Natural England’s formal statutory response to the Secretary of State’s Request for Information (RFI) dated 28 January 2026. To inform this response Natural England has reviewed the following documents:

- [C2-010] 11.7 Applicant’s Response to Secretary of State’s Letter dated 18 December 2025 (including Annex A: Applicant’s Response to Natural England Ref 26) (Rev 0)
- [APP-190] 7.2.3 Habitats Regulations Assessment – Appendix 3 Red Throated Diver Compensation Document (Rev 0)

Natural England has been invited to provide updates or information as appropriate in response to the queries set out below:

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].

Natural England notes the contextual information provided in Annex A. However, we do not consider this information to materially affect our position that an Adverse Effect on Integrity (AEOI) cannot be ruled out, beyond reasonable scientific doubt, in respect of the red-throated diver feature of the Outer Thames Estuary SPA.

We advise that-unless a qualifying feature is simply not present in a given part of the SPA, or is only present at a level so low or infrequent as to be negligible, the conservation objectives for the SPA are salient and need to be applied as part of the impact assessment process. This holds true regardless of the relative density of red-throated divers across the site, or artefacts of the methods used to delineate the boundary which, by necessity for practical management reasons, must be simplified. We note that post-classification surveys of the site have continued to register red-throated diver in the impacted areas.

Furthermore, we continue to highlight that the influence of existing displacement causing pressures cannot be used to justify, or diminish, the impact of an additional pressure. We also continue to

strongly challenge the Applicant's speculative assertions that red-throated divers in the area of concern may be habituated to, or tolerant of disturbance.

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.'

Natural England does not believe that the number of waterbodies required for compensation should be informed by either size or availability in terms of suitability and landowner support. However, the number of waterbodies that the Applicant can deliver management measures at may well be constrained by suitability and/or availability.

Natural England understands that it is the Applicant's position that the delivery of either raft installation or habitat (peatland) management measures at twenty waterbodies would represent sufficient compensation, i.e. that only one measure may be progressed across all water bodies, or an unspecified mix of the two. However, in agreement with the Applicant, we do not consider the management measures to be equivalent in terms of benefits and have also previously advised that habitat (peatland) restoration work could offer a more compelling compensatory measure than raft installation, due to the potential for broader ecological benefits [REP5-110]. We have also previously stated that it is difficult to advise on the sufficiency of the measure to be delivered across twenty sites when these sites could be for either i) nest raft installation, ii) habitat management to benefit existing breeding birds, or iii) habitat management to restore or provide new breeding sites [NE PADSS & Risk & Issues Log, Worksheet G in REP8-099].

While we do consider that the balance of measures across the twenty water bodies is an important factor, the estimated benefits arising from raft installation and habitat management in terms of red-throated diver productivity remain somewhat uncertain but are likely to be broadly comparable. Given the potential difficulties in securing sites, further site selection work will be required before the likely balance of raft installation and habitat management across sites can be defined. Thus, given these uncertainties, it seems reasonable at this point to simply select a target number of waterbodies deemed to be appropriate regardless of management scenario.

With respect to the size of selected waterbodies, it is possible that larger waterbodies could accommodate >1 pair of breeding red-throated diver. However, the species does tend to utilise smaller waterbodies and is often highly territorial. We would consider it risky to assume that multiple pairs would breed at a single larger site subject to habitat management or raft installation or that they would achieve good productivity were they to do so.

Natural England maintain our position that the level of provision proposed by the Applicant is insufficient, regardless of the specific measures deployed across the twenty waterbodies. Further, we retain concerns around the prospects for achieving full provision of the compensatory measure even at the scale proposed by the Applicant [C2-010]. Accordingly, we continue to advise that a package of measures will be required.

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

Yours faithfully,

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