



NORTH FALLS

Offshore Wind Farm

Applicant's Response to Secretary of State's Letter dated 18 February 2026

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1. INTRODUCTION

Purpose of this Document

1. The Applicant submits this document in response to the letter dated 18 February 2026 from the Secretary of State requesting information in relation to the North Falls Offshore Wind Farm project.
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 18 FEBRUARY 2026

2.1 Applicant's Response to Secretary of State's letter dated 18 February 2026

REF	SOS RFI	APPLICANT'S RESPONSE
3	<p>The Applicant is requested to confirm, should the Order be made, the full address for where a copy of the Order plans and the book of reference mentioned in the Order may be inspected.</p> <p>The Applicant should also confirm the times during which they can be inspected and the cost, if anything, for inspecting the documents.</p>	<p>The Applicant provided the following confirmation (by email dated 24 February 2025):</p> <p><i>"The Applicant confirms that a copy of the Order plans and book of reference referred to in the Order and certified thereunder may be inspected free of charge at the offices of RWE at Windmill Hill Business Park, Whitehill Way, Swindon, Wiltshire, SN5 6PB, during normal business hours (Monday to Friday, 9:00 am – 5:00 pm, excluding public/bank holidays)."</i></p>

2.2 Applicant's Response to Dentons UK and Middle East LLP on behalf of Network Rail - [C3-002]

REF	SOS RFI	NETWORK RAIL RESPONSE	APPLICANT'S RESPONSE
	n/a	<p>We write on behalf of Network Rail Infrastructure Limited (Network Rail), in respect of their objection to the above Order and representation under section 42 of the Planning Act 2008 dated 16 December 2022. Network Rail and North Falls Wind Farm Limited have agreed a framework agreement and relevant subsidiary documents. Pursuant to this agreement North Falls Wind Farm Limited have agreed to include Network Rail's standard Protective Provisions in the DCO and agreed to enter into any asset protection agreements and property agreements as required by Network Rail. Accordingly, Network Rail withdraw their objection to the DCO, and section 42 representation dated 17 October 2024.</p>	No comment required.

2.3 Applicant's Response to Addleshaw Goddard on behalf of London Gateway Port - [C3-003]

REF	SOS RFI	LONDON GATEWAY PORT RESPONSE	APPLICANT'S RESPONSE
	At paragraph 28, LGPL is 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.	Please include the following address: London Gateway Port Harbour Master London Gateway Port Limited No.1 London Gateway London Gateway Drive Stanford-le-Hope Essex SS17 9DY.	No comment required.

2.4 Applicant's Response to Natural England - [C3-004]

REF	SOS RFI	NATURAL ENGLANDS RESPONSE	APPLICANT'S RESPONSE
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].	<p>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.</p> <p>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.</p>	The Applicant maintains the position that there will be no adverse effect on integrity of red-throated diver from the Outer Thames Estuary SPA. No further comment.

REF	SOS RFI	NATURAL ENGLANDS RESPONSE	APPLICANT'S RESPONSE
		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 Page 2 of 2 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: <i>'The number of waterbodies would be subject to the size of the selected waterbodies, as well as site investigations and land agreements.'</i>	<p>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.</p> <p>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].</p> <p>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 redthroated 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.</p> <p>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.</p> <p>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.</p>	The Applicant maintains the position that the compensation quantum is appropriate. No further comment.

2.5 Applicant's Response to Marine Management Organization- [C3-005]

REF	SOS REF	MMO RESPONSE TO SECRETARY OF STATE'S REQUEST FOR INFORMATION	APPLICANT'S RESPONSE
1	1.1 Scour and Cable Protection	<p>1.1.1 Point 19</p> <p><i>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</i></p>	<p>The Applicant agrees with the MMO that the relevant condition be included in the final DCO. For completeness, the condition set out here by the MMO does not include 'scour protection'.</p> <p>For the up-to-date condition wording, please see Ref 19 of the Applicant's Response to Secretary of State's Letter dated 28 January 2026 (Document Reference 11.9, Rev. 0).</p>

REF	SOS REF	MMO RESPONSE TO SECRETARY OF STATE'S REQUEST FOR INFORMATION	APPLICANT'S RESPONSE
		<p><i>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).</i></p> <p>1.1.1.1 The MMO welcomes the Applicant's commitment to include this provision and welcomes the following wording as proposed:</p> <p><i>27- (1) Not more than four months following completion of the construction of the authorised 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.</i></p> <p><i>2) The report must include the following information—</i></p> <p><i>(a) the location of cable protection;</i></p> <p><i>(b) the volume of cable protection; and</i></p> <p><i>(c) any other information relating to the cable protection as agreed between the MMO and the undertaker.</i></p>	
1	1.2 DCO Drafting	<p>1.2.1. Point 20</p> <p><i>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):</i></p> <p><i>'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.'</i></p> <p>1.2.1.1 The MMO notes the proposed wording for the winter piling restriction for herring spawning and as noted in the Deadline 7 submission [REP7-080], the MMO welcomes this wording and considers that it is appropriate for each of the DMLs.</p>	No comment required.
1	1.2 DCO Drafting	<p>1.2.2 Point 21</p> <p><i>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.</i></p> <p>1.2.2.1 The MMO highlighted the rationale for this preferred wording in our Deadline 2 submission [REP2-043] which was to expand the definition to provide further clarity as MHWS changes over time. The MMO noted the ExAs proposed changes at Deadline 7 to "The height of Mean High-Water Springs (MHWS) is the average throughout the year, of two successive high waters, during a 24-hour period in each month when the range of the tide is at its greatest (Spring tides)". The MMO welcomed this change in REP7- 080.</p>	No comment required.
1	1.2 DCO Drafting	<p>1.2.3 Point 22 <i>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].</i></p> <p>1.2.3.1 Since the closure of Examination, the MMO has been in contact with Cefas who are currently in the process of designating the disposal site.</p>	No comment required.
2	2.1 Assessment of Effect in Respect to Red Throated Diver (RTD) Disturbance	<p>2.1.1 The MMO notes the proposed without prejudice wording in the Applicant's Response to Secretary of State's Request for Information (Document reference 11.2):</p> <p><i>Condition 22(1)(d), Schedule 9</i></p> <p><i>(d) a project environmental management plan covering the period of construction for the relevant stage in accordance with the outline project environmental management plan to include details of—</i></p> <p><i>(i) a marine pollution contingency plan to address the risks, methods and procedures to deal with and report any spills and collision incidents of the authorised development in relation to all activities carried out;</i></p> <p><i>(ii) a chemical risk register for all chemicals that have a pathway to the marine environment and may be used for the licensed activities (with the exception of any chemicals used in the course of normal navigation), submitted to the MMO for</i></p>	See Ref 13 of the Applicant's Response to Secretary of State's Letter dated 28 January 2026 (Document Reference 11.9, Rev 0).

REF	SOS REF	MMO RESPONSE TO SECRETARY OF STATE'S REQUEST FOR INFORMATION	APPLICANT'S RESPONSE
		<p>approval at least ten weeks prior to the use of such chemical, to include details of—</p> <p>(aa) the function of the chemicals;</p> <p>(bb) the quantities being used and the frequency of use; and</p> <p>cc) the physical, chemical and ecotoxicological properties of the chemical (save for any chemicals present on the OSPAR List of Substances Used and Discharged Offshore which Are Considered to Pose Little or No Risk to the Environment (PLONOR);</p> <p>(iii) a marine biosecurity plan detailing how the risk of introduction and spread of invasive non-native species will be minimised;</p> <p>(iv) waste management and disposal arrangements; and</p> <p>(v) details of a protocol for the protection of red throated divers restricting the laying of the offshore cables within the site designated as the Outer Thames Estuary Special Protection Area between 1 November and 1 March (inclusive) in any year unless otherwise agreed in writing with the MMO in consultation with the relevant SNCB.</p>	
		<p>2.1.2 The MMO is in agreement with Natural England's advice that the construction and decommissioning of the export cable should not take place within the Outer Thames Estuary Special Protection Area (OTE SPA) +2 kilometres (km) buffer during the sensitive over wintering period for RTDs of 1 November to 31 March inclusive given the potential for vessels outside the SPA to impact birds within it at that distance. The MMO defer to NE for further comments.</p>	
2	2.2 Benthic and Intertidal Ecology	<p>2.2.1 The MMO notes that the Applicant considers that the timing of the 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 (IPMP). The MMO maintains the position agreeing with Natural England 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. The MMO is also in agreement with Natural England that 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 MMO would encourage that this issue is addressed at this stage rather than post consent.</p>	<p>In response to the Secretary of State First Information Request the MMO stated "<i>monitoring must be completed within 12 months of the disturbance of construction activities being completed unless otherwise agreed with the MMO</i>" (see document C1-007 - Response to the Secretary of State Consultation 1).</p> <p>In response to the Second Information Request, the MMO stated "<i>The MMO welcomes the updates to the Offshore In-Principal Monitoring Plan following the RFI from the SoS to add commitment to commencing benthic monitoring within 12 months of construction. The MMO has no further comments</i>" (see document C2-003 - Response to Secretary of State Consultation 2).</p> <p>This changing of the MMO's position, which is now that monitoring should be once construction has ceased for at least 12 months, shows the matter is best resolved post consent, in consultation with Natural England.</p> <p>The matter must be agreed with the MMO post consent and is secured by the Applicant in the Offshore In-Principal Monitoring Plan (Document reference 7.10, Rev 4) which states that "<i>The timescale for post construction monitoring will be agreed with the MMO in consultation with the SNCB, with the aim of identifying a suitable period to allow recovery to be detected or adaptive management to be reviewed within an appropriate period, if required.</i>"</p>
2	2.2 Benthic and Intertidal Ecology	<p>2.2.2 The MMO notes the Applicant's comments that "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". The MMO is in agreement with Natural England that after 10 years any new area of scour protection would require a new marine licence.</p>	<p>The Applicant maintains the position presented in the Applicant's Response to Secretary of State's Letter dated 18 December 2025 (Document reference 11.7, Section 2.6). No further comments.</p>
2	2.3 Fish and Shellfish	<p>2.3.1 The MMO notes that there are no offshore platforms in the offshore export cable corridor, in accordance with the dDCO and offshore works plans [AS-020].</p>	<p>No comment required.</p>
2	2.3 Fish and Shellfish	<p>2.3.2 The MMO is in agreement that UXO clearance will be subject to separate marine licencing and mitigation will be agreed with the MMO through that process.</p>	<p>No comment required.</p>
2	2.3 Fish and Shellfish	<p>2.3.3 The MMO notes the provision 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 and has no further comments.</p>	<p>No comment required.</p>
2	2.3 Fish and Shellfish	<p>2.3.4 The MMO welcomes the inclusion of the justification for the JNCC guidance and has no further comments.</p>	<p>No comment required.</p>

REF	SOS REF	MMO RESPONSE TO SECRETARY OF STATE'S REQUEST FOR INFORMATION	APPLICANT'S RESPONSE
2	2.3 Fish and Shellfish	2.3.5 The MMO welcomes the response from the Applicant to the Secretary of State's Request for Information (Document Reference 11.2) which confirms the final Fisheries Liaison and Co-existence Plan (FLCP) will take account of the latest guidance as applicable and the MMO has no further comments.	No comment required.
2	2.4 Adaptive Management	<p>2.4.1 The MMO notes the proposed wording provided by the Applicant: <i>Condition 26(5) (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> <p>2.4.2 The MMO requests the following updates to the wording: <i>Condition 26(5) (5) If, in the event that the reports provided to the MMO under subparagraph (4) identify impacts which are unanticipated and or beyond those predicted within the Environmental Statement and the Habitats Regulations Assessment, an adaptive management plan to reduce effects to within what was predicted within the Environmental Statement and Habitats Regulations Assessment, unless otherwise agreed with the MMO in writing, must be submitted alongside the monitoring reports submitted under subparagraph (4). The adaptive management plan must be agreed by the MMO in consultation with the relevant Statutory Nature Conservation Bodies to reduce effects to a suitable level for this project. Any such agreed and approved adaptive management or mitigation should be implemented and monitoring undertaken in full to a timetable first agreed in writing with the MMO. 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>	<p>The EIA and HRA regulations respectively require the identification of likely significant effects (and whether there is AEOSI as a result, for the latter). The Applicant has undertaken the assessments using a realistic worst-case scenario approach, such that there is a precautionary margin to the assessments ensuring that all resulting likely significant effects have been identified.</p> <p>To meet the concerns of the MMO, a condition can be accepted by the Applicant to cover the unlikely circumstances where the Applicant's assessments did not identify all likely significant effects as required under the regulations. However, the condition proposed by the MMO is unsuitable as it requires adaptive management in the event that <i>any unanticipated impacts</i> are identified, which is disproportionate to the requirements of the regulations.</p> <p>Separately, as noted by the Applicant previously, it is not feasible to submit the 'adaptive management plan' along with the survey reports which must be submitted under the preceding sub-paragraph. As the survey reports submitted dictate whether the adaptive management plan is required in the first place, having to submit the plan with the reports is not possible.</p> <p>To address the above issues, the Applicant proposes the below amended version of the MMO's proposed condition.</p> <p>Despite reference being made only to Condition 26(5), the Applicant understands from the MMO's response to the first RFI (C1-007 - Response to Secretary of State Consultation 1) that the intention is that this should apply to both construction monitoring and post construction monitoring of the licensed activities under Schedule 8 (the generation assets).</p> <p>As such the wording should be applied as follows (note that the sub-paragraph cross reference in Condition 27 is to sub-paragraph 3, instead of sub-paragraph 4).</p> <p>Schedule 8 Condition 26(5) <i>(5) If, in the event that the reports provided to the MMO under sub-paragraph (4) identify impacts which are unanticipated and significant effects not previously assessed or beyond those predicted within the Environmental Statement and the Habitats Regulations Assessment, an adaptive management plan to reduce effects where practicable to within what was predicted within in the Environmental Statement and Habitats Regulations Assessment, unless otherwise agreed with the MMO in writing, must be submitted to the MMO as soon as reasonably practicable after providing to the MMO the report(s) identifying significant effects not previously assessed. alongside the monitoring reports submitted under subparagraph (4). The adaptive management plan must be agreed approved by the MMO in consultation with the relevant Statutory Nature Conservation Bodies to reduce effects to a suitable level for this project. Any such agreed and approved adaptive management or mitigation should be implemented and monitoring undertaken in full to a timetable first agreed in writing with the MMO. 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> <p>Schedule 8 Condition 27(5) <i>(5) If, in the event that the reports provided to the MMO under sub-paragraph (3) identify impacts which are unanticipated and significant effects not previously assessed</i></p>

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			<p>or beyond those predicted within the Environmental Statement and the Habitats Regulations Assessment, an adaptive management plan to reduce effects <i>where practicable</i> to within what was predicted within <i>in</i> the Environmental Statement and Habitats Regulations Assessment, unless otherwise agreed with the MMO in writing, must be submitted <i>to the MMO as soon as reasonably practicable after providing to the MMO the report(s) identifying significant effects not previously assessed.</i> alongside the monitoring reports submitted under subparagraph (3). The adaptive management plan must be agreed <i>approved</i> by the MMO in consultation with the relevant Statutory Nature Conservation Bodies to reduce effects to a suitable level for this project. Any such agreed and approved adaptive management or mitigation should be implemented and monitoring undertaken in full to a timetable first agreed in writing with the MMO. 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.</p>



NORTH FALLS

Offshore Wind Farm



HARNESSING THE POWER OF NORTH SEA WIND

North Falls Offshore Wind Farm Ltd

A joint venture company owned equally by SSE Renewables and RWE.

To contact please email contact@northfallsoffshore.com

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