



# NORTH FALLS

*Offshore Wind Farm*

## Cover Letter

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<b>Project</b>	North Falls Offshore Wind Farm
<b>Document Title</b>	Cover Letter
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c/o Deborah Allen  
Planning Inspectorate  
The Planning Inspectorate  
Temple Quay House  
2 The Square  
Bristol, BS1 6PN

North Falls Offshore Wind Farm Limited  
Windmill Hill Business Park  
Whitehill Way  
Swindon  
Wiltshire  
SN5 6PB  
United Kingdom

26 July 2024

Dear Planning Inspectorate,

**Planning Act 2008 – Application for Development Consent**

**Project Title:** North Falls Offshore Wind Farm

**Applicant:** North Falls Offshore Wind Farm Limited

**Application Reference:** EN010119

We are pleased to enclose an application from North Falls Offshore Wind Farm Limited ('the Applicant') for a development consent order ('the Application') pursuant to section 37 of the Planning Act 2008 ('PA2008') for the proposed North Falls Offshore Wind Farm (herein referred to as 'North Falls' or 'the Project').

This Cover Letter (Document Reference: 1.1) is structured as follows:

- Section 1 – Subject of the Application
- Section 2 – Documentation enclosed and application fee
- Section 3 – Application formalities
- Section 4 – Project Description
- Section 5 – Consent Flexibility – Rochdale Envelope
- Section 6 – Draft Development Consent Order

- Section 7 – Habitats Regulations Assessment and derogation information (including where “without prejudice”)
- Section 8 – Marine Conservation Zone Assessment
- Section 9 – Compulsory Acquisition
- Section 10 – Other Consents and Licences
- Section 11 – Pre-Application Consultation
- Section 12 – Coordination with Five Estuaries Offshore Wind Farm and National Grid’s Norwich to Tilbury Project
- Section 13 – Other Matters
- Section 14 – Contact Details

## **1. SUBJECT OF THE APPLICATION**

- 1.1.1 The Applicant is North Falls Offshore Wind Farm Limited (NFOW) which is a joint venture between SSE Renewables Offshore Windfarm Holdings Limited (SSER) and RWE Renewables UK Swindon Limited (RWE), both of which are highly experienced operators and developers of offshore wind projects. Both organisations are committed to developing renewable energy in the UK.
- 1.1.2 North Falls Offshore Wind Farm (the 'Project' or 'North Falls') will comprise an offshore generating station with a capacity exceeding 100 megawatts (MW).
- 1.1.3 The Project is therefore compliant with and classified as a nationally significant infrastructure project (NSIP) under sections 14(1)(a) and 15(3) of the Planning Act 2008 (PA2008) and requires development consent in accordance with section 31 of the Act. This is an application for a development consent order (DCO).
- 1.1.4 The Project was awarded seabed leasing rights as a proposed extension to the existing operational Greater Gabbard Offshore Wind Farm located in the outer Thames Estuary. The DCO application is for the construction, operation, maintenance, and decommissioning of an offshore wind farm proposed approximately 40km off East Anglia coastline in the southern North Sea.
- 1.1.5 The Project comprises: a single offshore array area covering an area of 95 square kilometres with up to 57 wind turbine generators, the installation of underground cables and associated infrastructure; construction of up to two offshore substation platforms, or, up to one offshore substation platform and up to one offshore converter platform; the construction of up to two cable circuits and associated ducting with the onshore landfall taking place at between Clacton-on-Sea and Frinton-on-Sea; the construction of an electrical substation between Little Bromley and Ardleigh to connect to National Grid's proposed East Anglia Connection Node (EACN) substation; and all associated development and ancillary works. All of the onshore infrastructure works would be within the administrative area of Essex County Council and Tendring District Council.

## **2. DOCUMENTATION ENCLOSED AND APPLICATION FEE**

- 2.1.1 The application fee in the sum of £8,244.00 has been transferred by BACS to the account of the Planning Inspectorate using reference EN010119 on 20 June 2024. The Planning Inspectorate confirmed receipt via email on the 24 June 2024.

- 2.1.2 The Planning Inspectorate have advised that submission of the Application via electronic file transfer would be acceptable. The file transfer contains the full suite of application documents as listed in the Guide to the Application (Document Reference: 1.3).
- 2.1.3 A Draft Section 55 checklist (Document Reference: 1.5) is included as part of the Application. This provides evidence that the Application meets the necessary tests for acceptance under the PA2008 and is to assist the Planning Inspectorate's consideration of the Application.
- 2.1.4 Both the Geographic Information System (GIS) shapefile and electronic application index have been submitted to the Planning Inspectorate via email. The GIS shapefile was submitted to the Planning Inspectorate on 19 June 2024.

### **3. APPLICATION FORMALITIES**

- 3.1.1 The Application is made in the form required by section 37(3)(b) of the PA2008 and the application documents comply with the requirements set out in section 37 and those set out in:-
- The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (APFP Regulations);
  - The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations);
  - The Department for Communities and Local Government's (DCLG, although now called the Department for Levelling Up, Housing and Communities) 'Planning Act 2008: Application form guidance' (June 2013); and
  - The Planning Inspectorate's 'Advice Note Six: Preparation and submission of application documents' (version 11) (May 2012).
- 3.1.2 The Applicant has, in preparing the Application, had due regard to the statutory guidance titled the 'Planning Act 2008: Application form guidance' (June 2013).
- 3.1.3 The Applicant has also sought pre-application advice from the Planning Inspectorate under section 51 of the PA2008 and the Application has been informed by those discussions and the advice.
- 3.1.4 The Applicant confirms that the Planning Inspectorate can only publish the Application on its website once it has been formally accepted, subject to appropriate redactions and or without publishing confidential documents.

3.1.5 A list of documents and or the relevant sections of the documents that the Applicant considers to contain confidential information has been provided to the Planning Inspectorate via email.

## 4. PROJECT DESCRIPTION

4.1.1 The Application seeks consent for the Authorised Development as listed in Schedule 1 of the draft DCO (Document Reference: 6.1) and described in full in ES Chapter 5 Project Description (Document Reference: 3.1.7). A summary description is also provided in section 1 of this letter.

4.1.2 The Project as outlined in Schedule 1 of the draft DCO (Document Reference: 6.1) includes associated development under section 115 of the PA2008. Part 2 of Schedule 1 of the draft DCO (Document Reference: 6.1) includes ancillary works and any other works proposed to be authorised. The Project includes necessary infrastructure to connect to the National Grid.

4.1.3 The draft DCO (Document Reference: 6.1), among other things, authorises:

- The construction and operation of up to 57 wind turbine generators and their foundations;
- the construction of up to two offshore substation platforms and a platform interconnector cable, or construction of one offshore substation platform and one offshore converter platform and a platform interconnector cable;
- the construction of a network of subsea array cables between the wind turbine generators and the offshore substation platform/s and/or offshore converter platform;
- the installation of up to two subsea export cable circuits between the offshore substation platform/s and the shore (the offshore cable corridor measuring approximately 57km in length);
- the installation of up to two cable circuits and associated ducting as part of the landfall connection works;
- the construction of up to two onshore underground cable circuits, cable ducting for two additional cable circuits for later installation, and associated works (the onshore cable corridor measuring approximately 24km in length);
- the construction of an air insulated switchgear onshore substation located between Little Bromley and Ardleigh in the District of Tendring and County of Essex and connection to the proposed East Anglia Connection



Node substation for distribution of power to the national electricity transmission network; and

- other works comprising but not limited to the construction of access routes, temporary construction compounds, drainage works, earthworks, temporary and permanent ecological and environmental mitigation, landscape works and habitat creation, and other works necessary or expedient for the purposes of or in connection with the relevant part of the authorised development.

4.1.4 The Application includes the option for an offshore grid connection described as Build Option 3 in the draft DCO (Document Reference: 6.1) via the offshore converter platform as described in Schedule 1 of the draft DCO, with Build Option 1 and 2 relating to an onshore grid connection. The Co-ordination Report (Document Reference: 2.5) sets out the context to this approach in more detail.

## **5. CONSENT FLEXIBILITY – ROCHDALE ENVELOPE**

5.1.1 The Applicant has given careful consideration to the advice contained within the Planning Inspectorate’s ‘Advice Note Nine: Rochdale Envelope’ (June 2018) and during the preparation of both the Preliminary Environmental Impact Report (PEIR) and the Environmental Statement (ES) (Document Reference: 3.1.1 – 3.1.36).

5.1.2 The draft DCO (Document Reference: 6.1) provides flexibility in relation to the generating station and the associated development. This is appropriate given the stage at which the Project sits in the development process and the fact that not all elements of the detailed design have been completed.

5.1.3 The flexibility is expressed in the draft DCO (Document Reference: 6.1) in the form of project design parameters within which the Project must conform to during both construction and operation.

5.1.4 The environmental impact assessment, as presented in the ES (Document Reference: 3.1.1 – 3.1.36), has assessed the likely significant environmental effects from the Project whilst taking into account the project design parameters as set out in the draft DCO (Document Reference: 6.1).

5.1.5 Further explanation as to the Applicant’s approach to the ‘Rochdale Envelope’ is outlined in ES Chapter 6 EIA Methodology (Document Reference: 3.1.8).

## **6. DRAFT DEVELOPMENT CONSENT ORDER**

- 6.1.1 The Applicant is required to submit a draft DCO (Document Reference: 6.1) in both a word version and pdf. Word and pdf copies of the draft DCO (Document Reference: 6.1) have been provided to the Planning Inspectorate as part of the submission.
- 6.1.2 A Statutory Instrument (SI) template validation report for the draft DCO (Document Reference: 6.1) is also provided.
- 6.1.3 The draft DCO is also accompanied by an Explanatory Memorandum (Document reference: 6.2) in accordance with regulation 5(2)(c) of the APFP Regulations.
- 6.1.4 The draft DCO (Document Reference: 6.1) at Article 36 includes reference to deemed Marine Licences as provided for under section 149A of the PA2008. The deemed Marine Licences are provided at Schedule 8 (generation assets), Schedule 9 (transmission assets) and Schedule 10 (transmission assets – offshore converter station) of the draft DCO.

## **7. HABITATS REGULATIONS ASSESSMENT AND DEROGATION INFORMATION (INCLUDING WHERE “WITHOUT PREJUDICE”)**

- 7.1.1 The Applicant has submitted a series of documents with respect to information required under by APFP Regulation 5(2)(g) and in preparing them has had regard to Planning Inspectorate's Advice Note 10: Habitat Regulations Assessment relevant to Nationally Significant Infrastructure Projects (version 9, August 2022).
- 7.1.2 The Applicant has also considered the relevant statutory requirements set out in the Conservation of Habitats and Species Regulations 2017 and the Conservation of Offshore Marine Habitats and Species Regulations 2017 (Habitats Regulations 2017), and relevant case law, in preparing the application documents.
- 7.1.3 The relevant application documents collectively referred to as the Report to Inform Appropriate Assessment (herein referred to as the 'RIAA') (Document References: 7.1.1 – 7.1.6) are as follows:
- Report to Inform Appropriate Assessment Part 1 Introduction (Document Reference: 7.1.1)

- Report to Inform Appropriate Assessment Appendix 1.1 Habitats Regulations Assessment Screening (Document Reference: 7.1.1.1)
- Report to Inform Appropriate Assessment Part 2 Benthic Ecology (Annex I habitat in Special Areas of Conservation and Special Protection Areas supporting habitat) (Document Reference: 7.1.2)
- Report to Inform Appropriate Assessment Part 3 Marine Mammals (Annex II species) (Document Reference: 7.1.3)
- Report to Inform Appropriate Assessment Appendix 3.1 Unexploded Ordnance Clearance Information and Assessment (Document Reference: 7.1.3.1)
- Report to Inform Appropriate Assessment Part 4 Offshore Ornithology (Birds Directive Annex 1 and Migratory Species) (Document Reference: 7.1.4)
- Report to Inform Appropriate Assessment Appendix 4.1 Modelling the abundance of red-throated divers in the area of overlap between North Falls digital aerial surveys (12km buffer) and the Outer Thames Estuary Special Protection Area (Document Reference: 7.1.4.1)
- Report to Inform Appropriate Assessment Appendix 4.2 Population Viability Analysis (Document Reference: 7.1.4.2)
- Report to Inform Appropriate Assessment Part 5 Onshore European and Ramsar Sites (Document Reference: 7.1.5)
- Report to Inform Appropriate Assessment Part 6 Summary (Document Reference: 7.1.6)

7.1.4 The documents listed above together identify all relevant European sites and provide the necessary information for the competent authority to determine whether the Project is like to have any adverse effects on the integrity of any European site (including any European offshore marine site).

7.1.5 The RIAA concludes that the Project, whether alone or in-combination with other plans and projects will not adversely affect the integrity of any European site with the exception of in-combination collision risk on the lesser black-backed gull of the Alde Ore Estuary Special Protection Area (SPA). Evidence to support a derogation case is therefore provided.

7.1.6 Following consultation with Natural England, the derogation case is also provided in relation to red throated diver from the Outer Thames Estuary SPA and in relation to kittiwake, guillemot and razorbill from the Flamborough and Filey Coast SPA, without prejudice to the Applicant's position presented in the

RIAA which concludes there is no risk of an adverse effect on integrity of these species / sites from North Falls alone or in-combination.

7.1.7 The relevant documents are listed below. They set out the Applicant's derogation case, including the assessment of alternative solutions, the imperative reasons of overriding public interest, and proposed compensatory measures.

- Habitats Regulations Derogation: Provision of Evidence (Document Reference: 7.2)
- Appendix 1 Compensatory Measures Overview (Document Reference: 7.2.1)
- Annex 1A Habitats Regulations Assessment Compensation Consultation (Document Reference: 7.2.1.1)
- Annex 1B Compensation Funding Statement (Document Reference: 7.2.1.2)
- Annex 1C In Principle Letter of Agreement from Dogger Bank South (East and West) (Document Reference: 7.2.1.3)
- Appendix 2 Lesser Black-Backed Gull Compensation Document (Document Reference: 7.2.2)
- Annex 2A Outline Lesser Black-backed Gull Compensation Implementation and Monitoring Plan (CIMP) (Document Reference: 7.2.2.1)
- Appendix 3 Red Throated Diver Compensation Document (Document Reference: 7.2.3)
- Annex 3A Outline Red Throated Diver Compensation Implementation and Monitoring Plan (CIMP) (Document Reference: 7.2.3.1)
- Appendix 4 Kittiwake Compensation Document (Document Reference: 7.2.4)
- Annex 4A Outline Kittiwake Compensation Implementation and Monitoring Plan (CIMP) (Document Reference: 7.2.4.1)
- Appendix 5 Guillemot and Razorbill Compensation Document (Document Reference: 7.2.5)
- Annex 5A Outline Guillemot and Razorbill Compensation Implementation and Monitoring Plan (CIMP) (Document Reference: 7.2.5.1)

The documents listed above demonstrate that there are no alternative solutions that meet the objectives of the Project; that there are Imperative Reasons of Overriding Public Interest; and that there are measures which can fully compensate the effects of the Project on the European Site features assessed in the documentation above and which can be legally secured.

## **8. MARINE CONSERVATION ZONE ASSESSMENT**

- 8.1.1 The application documents includes a Marine Conservation Zone Appendix 1 Screening (Document Reference: 7.3.1) which identifies all relevant Marine Conservation Zones as required by section 126 of the Marine Coastal Access Act 2009. A Stage 1 Assessment is provided in the Marine Conservation Zone Assessment Report (Document Reference: 7.3) which concludes that the Project construction, operation and maintenance and decommissioning activities will not hinder the conservation objectives of Marine Conservation Zones, either alone or cumulatively.

## **9. COMPULSORY ACQUISITION**

- 9.1.1 The Applicant is seeking authority within the draft DCO (Document Reference: 6.1) to acquire compulsorily land and interests and other related powers including temporary possession to support the delivery of the Project, details of which can be found in the and the Book of Reference (Document Reference: 6.3) and the Statement of Reasons (Document Reference: 6.5). The Application therefore includes a request for compulsory acquisition of land and rights in, on, under or over land, and temporary possession powers.
- 9.1.2 The Book of Reference (Document Reference: 6.3) has been prepared and is submitted in compliance with Regulation 5(2)(d) of the APFP Regulations, and in accordance with the Department for Communities and Local Government guidance 'Planning Act 2008: Guidance related to procedures for compulsory acquisition of land' (September 2013).
- 9.1.3 The Statement of Reasons and Funding Statement are submitted in compliance with Regulation 5(2)(h) of the APFP Regulations. Details of the adequacy of the funding for compensation are provided in the Funding Statement (Document Reference: 6.4).
- 9.1.4 Sections 127, 132 and 135 of the PA2008 apply. Details of the extent of the proposed works affecting land held by a statutory undertaker and special category land can be found in the Statement of Reasons (Document Reference: 6.5). The Applicant has also prepared Land Plans (Document

Reference: 5.3), a Crown Land Plan (Document Reference: 5.4), and a Special Category Land Plan (Document Reference: 5.5) in accordance with APFP Regulations 5(2)(i), 5(2)(n), and 5(2)(i)(iv) respectively.

9.1.5 A Schedule of Negotiations (Document Reference: 6.6) and a Statutory Undertakers Schedule (Document Reference 6.7) are also included with the Application.

## **10. OTHER CONSENTS AND LICENCES**

10.1.1 Details of other consents and licences not forming part of the draft DCO (Document Reference: 6.1) which the Applicant (or others) may be seeking in relation to the proposed Project are set out in the Consents and Licences Statement (Document Reference: 7.28).

## **11. PRE-APPLICATION CONSULTATION**

11.1.1 The Applicant has had regard to the consultation requirements set out in the:

- The relevant provisions of the PA2008;
- Guidance from the then Department for Communities and Local Government titled 'Planning Act 2008: Guidance on the pre-application process' (March 2015 – withdrawn April 2024) (pursuant to Section 50 of the PA2008 and relevant at the time of statutory consultation for the Project);
- Guidance from the Department for Levelling Up, Housing and Communities titled the 'Planning Act 2008: Pre-application stage for Nationally Significant Infrastructure Projects' (April 2024) (pursuant to section 50 of the PA2008); and
- pre-application discussions held with the Planning Inspectorate pursuant to section 51 of the PA2008.

11.1.2 As required by section 37(3)(c) of the PA2008, a Consultation Report (Document Reference: 4.1) has been submitted as part of the Application.

11.1.3 The Consultation Report (Document Reference: 4.1) and the relevant Consultation Report Appendices (Document References: 4.1.1 – 4.1.4.4) set out the Applicant's compliance with the relevant provisions pursuant to section 41-50 of the PA2008.

11.1.4 In accordance with Regulation 5(5) of the APFP Regulations, the Applicant retains all responses to the consultations carried out under the PA2008 and can make them available at the request of the Secretary of State.

## **12. CO-ORDINATION WITH FIVE ESTUARIES OFFSHORE WIND FARM AND NORWICH TO TILBURY PROJECT**

12.1.1 The Applicant has co-ordinated and collaborated with Five Estuaries Offshore Wind Farm and National Grid's Norwich to Tilbury Project which includes the East Anglia Connection Node (EACN) substation, as well as other NSIPs, in the preparation of the Project.

12.1.2 North Falls and Five Estuaries have both been allocated the same grid connection point by National Grid Electricity Transmission (NGET), being the EACN, and have co-ordinated extensively on their development proposals to include: an aligned landfall location for the offshore export cables to come ashore; a shared onshore cable corridor; and an overlapping onshore substation zone for the co-location of their prospective substations.

12.1.3 The Co-ordination Report (Document Reference: 2.5) sets out how the Project has co-ordinated at multiple levels to reduce the impacts on the environment and local communities; at a strategic level as part of the Department of Energy Security and Net Zero programmes for offshore co-ordination (Offshore Co-ordination Support Scheme) and at a project level with other NSIPs, in accordance with the relevant policies included within the relevant National Policy Statements.

## **13. OTHER MATTERS**

### **Regulation 5 of the APFP Regulations**

13.1.1 As required under Regulation 5(3) of the APFP Regulations, all plans, drawings or sections provided under Regulation 5(2) are no larger than A0 size, are drawn to an identified scale (not smaller than 1:2500) and, in the case of plans show the direction of north.

13.1.2 Under regulation 5(2)(e) of the APFP Regulations, an applicant is required to provide a flood risk assessment. The Application includes ES Appendix 21.3 Flood Risk Assessment (Document Reference: 3.3.29).



- 13.1.3 Under regulation 5(2)(f) of the APFP Regulations, an application is required to provide a statement whether the proposal engages one or more of the matters set out in section 79(1) (statutory nuisances and inspections therefor) of the Environmental Protection Act 1990(2), and if so how the applicant proposes to mitigate or limit them. The Application includes a Statutory Nuisance Statement (Document Reference: 7.4).
- 13.1.4 Under regulation 5(2)(k) of the APFP Regulations, an applicant is required to provide a plan identifying any new or altered means of access, stopping up of streets or roads or any diversions, extinguishments or creation of rights of way or public rights of navigation. The Application includes the following plans:
- Access to Works Plan (Document Reference: 5.9)
  - Streets Plan (Document Reference: 5.10)
  - Public Rights of Way Plan (Document Reference: 5.11)
  - Temporary Traffic Regulation Order Plan (Document Reference: 5.19)
- 13.1.5 Under regulation 5(2)(l) of the APFP Regulations, an applicant is required to provide a plan of certain nature conservation sites and features and an assessment of any effects on those sites and features likely to be caused by the proposed development. The Application includes the following plans:
- Tree Preservation Order and Hedgerow Plan (Document Reference: 5.12)
  - Statutory/Non-Statutory Nature Conservation Sites (Onshore) (Document Reference: 5.15)
  - Statutory/Non-Statutory Nature Conservation Sites (Offshore) (Document Reference: 5.16)
  - Habitats of Protected Species (Document Reference: 5.17)
  - Water Bodies in a River Basin Management Plan (Document Reference: 5.18)
- 13.1.6 Under regulation 5(2)(m) an applicant is required to provide a plan in relation to certain historic sites and features. The plans are attached as separate documents as follows:
- Historic Environment Plan (Onshore) (Document Reference: 5.13)
  - Historic Environment Plan (Offshore) (Document Reference: 5.14)



## Regulation 6 of the APFP Regulations

- 13.1.7 Under Regulation 6(b)(i) of the APFP Regulations, an applicant is required to provide details of the proposed cable route and the method of installation for any cable. This information can be found in the Cable Statement (Document Reference: 7.27) and in the Works Plans (Onshore) (Document Reference: 5.6) and the Works Plans (Offshore) (Document Reference: 5.7).
- 13.1.8 Under Regulation 6(b)(ii) of the APFP Regulations, the Applicant is required to provide a statement in respect of Safety Zones. This information can be found in the Safety Zone Statement (Document Reference: 7.23).

## 14. CONTACT DETAILS

- 14.1.1 We look forward to hearing from you in relation to the formal acceptance of this Application. If we can be of any assistance, please do not hesitate to contact us using the details provided below:-

Yours Faithfully,

Daniel Harper

Consents Manager

[daniel.harper@sse.com](mailto:daniel.harper@sse.com)

07920 116 146

North Falls Offshore Wind Farm Limited

**Daniel**  
**Harper**

Digitally signed  
by Daniel Harper  
Date: 2024.07.26  
09:39:26 +01'00'



**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](mailto:contact@northfallsoffshore.com)*

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**North Falls Offshore Wind Farm Limited** Registered Address: Windmill Hill Business Park, Whitehill Way, Swindon, Wiltshire, SN5 6PB, United Kingdom  
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