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To the Applicant
(By email only)

Case Ref: EN010119

Date: 22 August 2024

Dear Mr Hall

Planning Act 2008 (as amended) – Section 51

Application by North Falls Offshore Wind Farm Ltd for an Order Granting Development Consent for the North Falls Offshore Wind Farm Advice following issue of decision to accept the application for examination.

On 22 August 2024 the Secretary of State decided that the application for the above project satisfied the acceptance tests under section 55 of the Planning Act 2008 (PA2008). The Planning Inspectorate's acceptance checklist and the application documents have been published and made available on the project page of our website.

In undertaking checks at the acceptance stage, the Inspectorate has made some initial observations in relation to the application. This letter comprises advice to the Applicant provided under section 51 of the PA2008 in respect of these initial observations. The Applicant should pay attention to its content and consider how appropriate action might be taken in response.

Relationships with nearby proposed developments

The close relationship and the potential use of shared onshore alignments between the application and the proposed Five Estuaries Offshore Wind Farm (OWF) is noted. Also noted are the interrelationships between the application, Five Estuaries OWF and National Grid Electricity Transmission plc's Norwich to Tilbury and East Anglia Connection Node substation. Experience of similar closely related cases suggests that care will be required to ensure that shared elements of these proposed developments and their relationships are examined with fairness and efficiency. The Applicant may wish to consider how previous closely related cases have addressed similar considerations and to develop its thinking about how these aspects of its case will be brought forward in Examination. The Examining Authority, once appointed, may request this information as part of the Examination.

Equality Impact Assessment (EqIA)

The absence of an EqIA was noted during the acceptance process. The Examining Authority may want to ask questions during the Examination to satisfy itself that relevant equalities considerations have been identified and duties can be discharged. To assist this process, the Applicant should prepare an EqIA and submit this before commencement of the Examination.

Habitats Regulations Assessment

The Report to Inform Appropriate Assessment identifies an adverse effect on the integrity of the Alde Ore Estuary Special Protection Area (SPA) in relation to in-combination collision risk on lesser black-backed gull. Annex 2A provides a Compensation and Implementation Monitoring Plan for lesser black backed gull, however, at this stage the document provides a series of headers explaining what information will be included. The Planning Inspectorate considers that it would be helpful if detail, regarding compensation measures, is added to this document before the commencement of the Examination as are set out in the lesser black-backed gull compensation document.

Without prejudice derogation cases have also been submitted for the following:

- Red throated diver of Outer Thames Estuary SPA.
- Kittiwake of Flamborough and Filey Coast SPA.
- Guillemot and Razorbill of Flamborough and Filey SPA.

The Planning Inspectorate also considers that inclusion of detail within these documents prior to the commencement of the Examination would be helpful.

Works Plan Onshore (Doc 5.6)

Summary descriptors are not provided for each work area. The Works Plans do not contain any identifying information, such as village or road names, which are shown on the Location Plans. Adding summary descriptors, local place and road names to the Works Plans would aid understanding for stakeholders. Similarly, the location of the 'red line' boundary must be clear in all areas. Once identifying information labels are added to the plans, please ensure that these can be digitally searched. This should be provided to the Planning Inspectorate for publication as early as possible before the commencement of the Examination.

Works Plan Offshore (Doc 5.7)

Summary descriptors are not provided for each work area. Location Plan Offshore (Doc. 5.2) includes a background reference map, however this is missing in the Works Plan Offshore (Doc 5.7). Adding summary descriptors and a background reference map would aid understanding for stakeholders. Once summary descriptors are added to the plans, please ensure that these can be digitally searched. This should be provided to the Planning Inspectorate for publication as early as possible before the commencement of the Examination.

Consultees identified on a precautionary basis

Given the individual circumstances of this case, the Planning Inspectorate advises taking a precautionary approach to consultation under s42(1)(a) of PA2008 to ensure that all persons potentially affected by, or potentially likely to have an interest in the application are given the opportunity to participate fully in the Examination of the application. On this basis, the Applicant may wish to serve notice on the bodies listed in Box 6 of the section 55 checklist when it serves notice of the accepted application under s56(2)(a) of the PA2008; unless there is a specific justification why this is not necessary.

Minor errors and omissions

There are minor errors and omissions, as reflected in Box 30 of the acceptance checklist.

Please pay close attention to the advice set out in this letter and act on it accordingly. This will contribute towards a more efficient examination and give any future Examining Authority comfort that the documentation is complete and accurate.

We trust you find this advice helpful, however if you have any queries on these matters please do not hesitate to contact our office using the contact details at the head of this letter.

Yours sincerely

Deborah Allen

Deborah Allen
Case Manager

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