



NORTH FALLS

Offshore Wind Farm

Applicant's Response to S51 Advice

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14 October 2024

Dear Planning Inspectorate,

Planning Act 2008 (as amended) – Section 51

Project Title: North Falls Offshore Wind Farm

Applicant: North Falls Offshore Wind Farm Limited

Application Reference: EN010119

We are pleased to enclose responses to the advice provided (letter dated 22 August 2024), under section 51 of the PA2008 in respect of the initial observations.

This Cover Letter (Document Reference: 8.1) is structured as follows:

Section 1 – Applicant's Response to Section 51 Advice

Section 2 – Contact Details

1. APPLICANT'S RESPONSE TO SECTION 51 ADVICE

Relationships with nearby proposed developments	
Comment or Query	Applicant's Response
<p>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.</p> <p>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.</p> <p>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.</p>	<p>The Applicant has provided a Coordination Report [APP-236] as part of its DCO application. This report provides information to the Examining Authority (ExA) on how North Falls interacts and coordinates with other proposed NSIPs, specifically Five Estuaries and Norwich to Tilbury. It is the Applicant's intention to update this Coordination Report at appropriate deadlines during Examination to ensure the ExA is kept up to date on the progress of the projects and any developments on coordination. The Explanatory Memorandum [APP-006] and Statement of Reasons [APP-009] set out the Applicant's approach and justification for the coordination of the DCO and compulsory acquisition provisions between North Falls and Five Estuaries. The approach taken by the parties to seek powers to install ducting for the other party is well precedented in made DCOs.</p> <p>The Applicant notes that the Examination of the Five Estuaries DCO application is already underway and the DCO application for Norwich to Tilbury has not yet been submitted.</p> <p>The ExA has broad powers to control the Examination of the North Falls DCO application as it sees fit pursuant to s87 of the Planning Act 2008. The Applicant will seek to support and facilitate the Examination of the coordination between the projects as the ExA determines is required.</p>

Equality Impact Assessment (EqIA)	
Comment or Query	Applicant's Response
<p>The absence of an EqIA was noted during the acceptance process.</p> <p>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.</p> <p>To assist this process, the Applicant should prepare an EqIA and submit this before commencement of the Examination.</p>	<p>Vulnerable groups and the differential effects upon the health of such groups are considered within Environmental Statement Chapter 28 Human Health [APP-042] of the North Falls Offshore Wind Farm DCO application. It is noted that specific links between the vulnerable groups and protected characteristics detailed under the Equality Act 2010 is not made explicit within Environmental Statement Chapter 28 Human Health [APP-042].</p> <p>Therefore, the Applicant will prepare an Equalities Impact Assessment (EqIA) and submit this at the start of Examination. The Applicant is not able to commit to submitting this earlier due to the timescales involved in preparing a complete and robust EqIA. The EqIA will make specific links between the list of protected characteristics under the Equality Act 2010 and the effects of the Project.</p>

Habitats Regulations Assessment	
Comment or Query	Applicant's Response
<p>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.</p> <p>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</p>	<p>The Applicant considers updates to the Outline Compensation and Implementation Monitoring Plans to be unnecessary.</p> <p>The information to support a derogation case (including, where relevant on a "without prejudice basis") is provided in the Compensatory Measures Overview [APP-184] document and the main Compensation Document for each species being</p>

<p>explaining what information will be included.</p> <p>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.</p> <p>Without prejudice derogation cases have also been submitted for the following:</p> <ul style="list-style-type: none"> ▪ Red throated diver of Outer Thames Estuary SPA. ▪ Kittiwake of Flamborough and Filey Coast SPA. ▪ Guillemot and Razorbill of Flamborough and Filey SPA. <p>The Planning Inspectorate also considers that inclusion of detail within these documents prior to the commencement of the Examination would be helpful.</p>	<p>documents Appendix 2 Lesser Black-backed Gull Compensation Document [APP-188], Appendix 3 Red Throated Diver Compensation Document [APP-190], Appendix 4 Kittiwake Compensation Document [APP-192] and Appendix 5 Guillemot and Razorbill Compensation Document [APP-194]. The purpose of the Outline documents is to provide subject headings of matters to be addressed by the Applicant, based on the strategy for compensation which is to be confirmed in the final Compensation Document(s) which will be certified documents for the purposes of the DCO. To repeat information currently in the Compensation Documents in the Outline Compensation and Monitoring Plans would be unhelpful duplication and could cause unnecessary confusion.</p>
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Works Plan Onshore (Doc 5.6)	
Comment or Query	Applicant's Response
<p>Summary descriptors are not provided for each work area.</p> <p>The Works Plans do not contain any identifying information, such as village or road names, which are shown on the Location Plans.</p> <p>Adding summary descriptors, local place and road names to the Works Plans would aid understanding for stakeholders.</p> <p>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.</p>	<p>The Applicant has updated the Works Plans in response to this section 51 advice, which are submitted alongside this response.</p>

<p>This should be provided to the Planning Inspectorate for publication as early as possible before the commencement of the Examination.</p>	
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Works Plan Offshore (Doc 5.7)	
Comment or Query	Applicant's Response
<p>Summary descriptors are not provided for each work area.</p> <p>Location Plan Offshore (Doc. 5.2) includes a background reference map, however this is missing in the Works Plan Offshore (Doc 5.7).</p> <p>Adding summary descriptors and a background reference map would aid understanding for stakeholders.</p> <p>Once summary descriptors are added to the plans, please ensure that these can be digitally searched.</p> <p>This should be provided to the Planning Inspectorate for publication as early as possible before the commencement of the Examination.</p>	<p>The Applicant has updated the Works Plans in response to this section 51 advice, which are submitted alongside this response.</p>

Consultees identified on a precautionary basis	
Comment or Query	Applicant's Response
<p>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.</p> <p>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</p>	<p>The Applicant served a copy of the section 56 notice on the bodies listed in Box 6 of the section 55 checklist [PD-002].</p>

notice of the accepted application under s56(2)(a) of the PA2008; unless there is a specific justification why this is not necessary.	
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Minor errors and omissions Update to Box 30 of the acceptance checklist	
ES- Non-Technical Summary (Doc 3.1.1)	Applicant's Response
<ul style="list-style-type: none"> ▪ Environmental Statement Chapter 31 Socio Economics, Table 31.1, page 34: There is a reference to Chapter 30 Tourism and Recreation (Document Reference: 3.1.32) on page 34, it currently refers to Chapter 30 Tourism and Recreation (Doc 3.1.32) rather than Chapter 32 Tourism and Recreation (Doc 3.1.34) ▪ In the response to Suffolk and NE Essex ICB, PEIR response 14/7/23 refers to Traffic and Transport at Chapter 24, rather than Chapter 27. ▪ Refers to doc 7.11, missing the word "Offshore" in the title of the document. ▪ Reference to Chapter 20 of the ES is missing the word "Onshore" Air Quality. 	<p>The Applicant has updated the Environmental Statement Non-Technical Summary [APP-013] in response to this section 51 advice, which is submitted alongside this response.</p> <p>These comments in part relate to minor errors and omissions in Environmental Statement Chapters 31 Socio Economics [APP-045] and Chapter 34 Major Accidents and Disasters [APP-048]. The Applicant has also updated these chapters in response to this section 51 advice, which are submitted alongside this response.</p>
Draft Development Consent Order (Doc 6.1)	Applicant's Response
<ul style="list-style-type: none"> ▪ Part 4, Article 31 (3) b – typo: "in the case of land specified in paragraph (1)(a)(ii) after the end of the period of on year..." ▪ The dDCO does not provide the sheet references for the roads/footpaths in the Street Plans (Doc 5.10) ▪ Article 5(9) – refers to Schedule 10 and 11, rather than 9 and 10. 	<p>The Applicant has updated the draft DCO [APP-005] in response to this section 51 advice, which is submitted alongside this response.</p>
Explanatory Memorandum (Doc 6.2)	Applicant's Response

<ul style="list-style-type: none"> ▪ Page 69, Part 2 Conditions, Condition 12 refers to Maintenance of the authorised development, whereas the dDCO uses Condition 13 for this heading. See discrepancies in other headings in Conditions 13 to 34 inclusive. 	<p>The condition numbers provided in the Explanatory Memorandum [APP-006] relate to the conditions at Part 2 of Schedule 8, which is the first deemed marine licence provided for in the draft DCO, and those at Schedule 10. In response to this section 51 advice, the Applicant has updated the Explanatory Memorandum to provide for the condition numbers used in Schedule 9 at paragraph 5.4.9, which is submitted alongside this response.</p>
Book of Reference (Doc 6.3)	Applicant's Response
<ul style="list-style-type: none"> ▪ Para 2.1.7 refers to Article 27 rather than 32. ▪ Para 4.1.1 refers to Article 20 rather than 24. ▪ Para 4.1.1 refers to Schedule 7 however the title does not match the dDCO. 	<p>The Applicant has updated the Book of Reference [APP-007] in response to this section 51 advice, which is submitted alongside this response.</p>
Statement of Reasons (Doc 6.5)	Applicant's Response
<ul style="list-style-type: none"> ▪ Paragraph 10.33 refers to Article 31, rather than Article 33. 	<p>The Applicant has updated the Statement of Reasons in response to this section 51 advice, which is submitted alongside this response.</p>
Land Plans (Doc 5.3)	Applicant's Response
<ul style="list-style-type: none"> ▪ The naming of land plots in the Land Plans legends differs to that in the dDCO, for example: <ul style="list-style-type: none"> ○ The 'Land Subject to Acquisition of Rights' shown coloured blue on Land Plans is titled in Schedule 5 of the dDCO as 'Land in which only New Rights etc. may be required'. ▪ The 'Land Subject to Freehold Acquisition' is shown in pink on the Land Plans, but these do not appear to be mentioned in the dDCO. 	<p>The Applicant considers the naming of land plots on the Land Plans to be sufficiently clear and to accord with precedent. As such, no change is proposed.</p> <p>The Land Subject to Freehold Acquisition is the land referred to in article 21 of the draft DCO. The Applicant considers its approach to be sufficiently clear and to accord with precedent. As such, no change is proposed.</p> <p>Polygon 13-029 on Sheet 13 was incorrectly included under 'Land Subject</p>

<ul style="list-style-type: none"> ▪ On Sheet 13, plot number 13-029 is included in the Legend under both 'Land Subject to Acquisition of Rights', and 'Land Subject to Freehold Acquisition'. The polygon is coloured pink on the Sheet. ▪ On Sheet 13 in the inset box to the left of the Sheet, the labels are 13-026 and 13-027 and 13-041, do not appear to match other numbering on that sheet. 	<p>to Acquisition of Rights' in the Legend. This has been corrected.</p> <p>The inset box referred to has been corrected to show the relevant plots, being 13-027, 13-028 and 13-046.</p>
Public Rights of Way (Doc 5.11), Access to Works Plan (Doc 5.9) and dDCO (Doc 6.1)	Applicant's Response
<ul style="list-style-type: none"> ▪ Little Bromley FP15 is stated in the dDCO as being on Sheet 18 of the public rights of way plan but it is on Sheet 15 & 16. ▪ Little Bromley FP16 is stated in the dDCO as being on Sheet 17 of the public rights of way plan but it is on Sheet 15. ▪ On the Access to Works Plan Church Lane is mentioned in the dDCO but on the plan it is only labelled at its marked point (OA-1) ▪ On the Access to Works Plan Pork Lane is mentioned in the dDCO but on the plan it is only labelled at marked points (OA-6 & OA-7) 	<p>The Applicant has updated the draft DCO and added the references to Church Lane and Pork Lane on the Access to Works Plan, in response to this Section 51 Advice, which is submitted alongside this response.</p>
Consultation Report (Doc 4.1)	Applicant's Response
<ul style="list-style-type: none"> ▪ Appendices: <ul style="list-style-type: none"> ○ There is no Appendix A, therefore it starts at B. ○ There are numbers missing eg there is no c.14 and no D.12. ○ They are not referred to in the Consultation Report though it 	<p>Appendices</p> <ul style="list-style-type: none"> ○ Point 1: When developing the Consultation Report's referencing convention, the Applicant reserved Appendix A for any appendix items that may have been needed for the Consultation Report's introductory summary. As the Consultation Report

<p>is not clear why the numbering is not consistent.</p> <ul style="list-style-type: none"> ▪ The names of a NHS foundation trusts have changed. North Essex Partnership NHS Foundation Trust listed as a consultee Appendix F (F.22) is now NHS Suffolk and North East Essex Integrated Care Board. ▪ It is noted that: <ul style="list-style-type: none"> ○ Page 29, box 52 refers to Appendix 10.1, rather than 10.1.1. ○ Page 75, table 6.4 refers to Appendix F.19 and F.11.1 which are missing. Section 55 Acceptance of Application Checklist – North Falls Offshore Wind Farm 26 of 30 ○ Page 67, table 5.3 refers to Appendix E21.1 which is missing. ○ Page 64, table 5.1 refers to Appendix E.4 which is missing. 	<p>developed no such appendix items emerged, and so Appendix A remained empty.</p> <ul style="list-style-type: none"> ○ Point 2: While drafting the Consultation Report the Applicant identified some items within the referencing convention that were no longer required or were already referenced elsewhere within the Consultation Report and therefore duplicated. The Applicant removed such references from the Consultation Report’s appendices rather than restructuring the referencing convention. ○ The Applicant can confirm that no appendix items are missing. For instance, Appendix C.14 was removed ahead of submission as it was a duplication of Appendix G.15. Appendix D.12 was removed ahead of submission as it showed the Applicant’s red line boundary, which is already shown in other appendix items. ○ Point 3: See point 2. <p>Suffolk and North East Essex Integrated Care Board</p> <p>1.1.1 The Applicant has updated Appendix F.22 within Appendix F.15 to F.30 Part 3 [APP-233], which has been resubmitted alongside this response. Given the significant size of appendix documents and Microsoft Word’s design limitations, all appendix documents have been created in Adobe InDesign and so a track changed version cannot be submitted. ‘Suffolk and North East Essex Integrated Care</p>
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	<p>Board' can be found on page 886 of the resubmitted appendix.</p> <p>Page 29, box 52</p> <ul style="list-style-type: none"> ○ In the updated Consultation Report submitted alongside this response, reference to Appendix 10.1 has been changed to Appendix C.10.1. <p>Page 75, table 6.4</p> <p>1.1.2 In the updated Consultation Report submitted alongside this response, reference to Appendix F.19 and Appendix F.11.1 have been removed. The Applicant decided while drafting the Consultation Report that Appendix F.19 was not required and that an online version of what was going to be Appendix F.11.1 (PEIR Non-Technical Summary) should be linked to rather than appended.</p> <p>Page 67, table 5.3</p> <p>1.1.3 The Applicant decided while drafting the Consultation Report that Appendix E.21.1 was not required and has removed reference to it in the resubmitted Consultation Report.</p> <p>Page 64, table 5.1</p> <ul style="list-style-type: none"> ○ The Applicant decided while drafting the Consultation Report that Appendix E.4 was not required and has removed reference to it in the resubmitted Consultation Report
Coordination Report (Doc 2.5)	Applicant's Response

<ul style="list-style-type: none"> Para 8.91 refers to requirements 27 and 28 of the draft DCO in respect of decommissioning, rather than 25 and 26 	The Applicant has updated the Coordination Report [APP-236] in response to this section 51 advice, which is submitted alongside this response.
Consents and Licences Statement (Doc 7.28)	Applicant's Response
<ul style="list-style-type: none"> Para 1.3.3 bullet point 2 refers to Articles 30 and 31 of the DCO, rather than Articles 31 and 32 	The Applicant has updated the Consents and Licences Statement [APP-263] in response to this section 51 advice, which is submitted alongside this response.
Planning Statement (Doc 2.2)	Applicant's Response
<ul style="list-style-type: none"> Paragraphs 5.4.5, 5.5.6, 5.6.6 & 5.7.6 refer to 'The Secretary of Statement' rather than 'the Secretary of State'. 	The Applicant has updated the Planning Statement in response to this section 51 advice, which is submitted alongside this response.
Habitat of Protected Species Plans (Doc 5.17)	Applicant's Response
<ul style="list-style-type: none"> The acronym GCN eDNA used in the legend is not described. It might help stakeholders and members of the public to understand the Plan to have the acronym written in full. 	The Applicant has updated the Habitats of Protected Species Plan in response to this section 51 advice, which is submitted alongside this response.

Please see table below of updated and new documents submitted with this response.

Document Name	Document Reference	Latest Document Reference	Version	Type
Updated Documents				
Guide to the Application	1.3	1.3.1	Rev 1	Clean and tracked
Planning Statement	2.2	2.2.1	Rev 1	Clean and tracked
Co-ordination Report	2.5	2.5.1	Rev 1	Clean and tracked
Environmental Statement - Non Technical Summary	3.1.1	3.1.1.1	Rev 1	Clean and tracked
Environmental Statement Chapter 31 - Socio-economics	3.1.33	3.1.33.1	Rev 1	Clean and tracked

Document Name	Document Reference	Latest Document Reference	Version	Type
Environmental Statement Chapter 34 - Major Accidents and Disasters	3.1.36	3.1.36.1	Rev 1	Clean and tracked
Consultation Report	4.1	4.2	Rev 1	Clean and tracked
Consultation Report Appendix F.15 to F.30 (Part 3)	4.1.3.3	4.1.3.3.1	Rev 1	Clean
Land Plans	5.3	5.3.1	Rev 1	Clean
Works Plans (Onshore)	5.6	5.6.1	Rev 1	Clean
Works Plans (Offshore)	5.7	5.7.1	Rev 1	Clean
Access to Works Plan	5.9	5.9.1	Rev 1	Clean
Habitats of Protected Species	5.17	5.17.1	Rev 1	Clean
Draft Development Consent Order (DCO)	6.1	6.1.1	Rev 1	Clean and tracked
Explanatory Memorandum	6.2	6.2.1	Rev 1	Clean and tracked
Book of Reference	6.3	6.3.1	Rev 1	Clean and tracked
Statement of Reasons	6.5	6.5.1	Rev 1	Clean and tracked
Consents and Licences Statement	7.28	7.28.1	Rev 1	Clean and tracked
<i>New Documents</i>				
Schedule of changes to the draft DCO	7.30		Rev 0	Clean
Applicant's Response to S51 Advice	8.1		Rev 0	Clean

2. CONTACT DETAILS

2.1.1 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

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North Falls Offshore Wind Farm Limited



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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