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Your ref: EN010119



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VIA WEBSITE ONLY

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Dear Wendy McKay

Application by North Falls Offshore Wind Farm Ltd for an Order Granting Development Consent for the North Falls Offshore Wind Farm Project – Rule 6 Letter

Thank you for your consultation dated 10 December 2024. The following constitutes Natural England's formal statutory response to the Rule 6 Letter. Natural England is an Interested Party (IP) within the examination of the North Falls Offshore Wind Farm Project.

Please accept this letter as Natural England's comments in relation to the contents of the Rule 6 letter and an overview of how Natural England proposes to provide our statutory advice to the Examining Authority (ExA) during the examination phase of the project.

1. Overview of Natural England's engagement with the Examination

Natural England recognises the significant contribution offshore wind NSIPs make to delivering the Government's green energy ambitions and net zero target, and the importance of our advice in securing positive environmental outcomes. Over the next 12 – 15 months, Natural England will be engaging with nine offshore wind NSIPs that have the potential to result in overlapping examinations and/or pre-determination consultations. This is likely to place significant pressure on our resources and our ability to engage with the complex demands of these projects, particularly during examinations.

Whilst Natural England remains committed to engaging in offshore wind NSIP examinations and meeting our statutory obligations, we need to address the workload pressures presented by these overlapping projects. By undertaking a review of previous contributions to offshore wind NSIP examinations, we have identified how we can best focus our advice to ensure we are able to engage efficiently and effectively, and have the greatest likelihood of achieving issue resolution. The approach we will be taking, which we have discussed with the Planning Inspectorate, will involve:

- Only attending Issue Specific Hearings by exception, and focusing our engagement where there is the greatest prospect of significant environmental risks being resolved.
- Having a narrower focus on our engagement in the Statement of Common Ground (SoCG) process, with a focus primarily on Principal Areas of Disagreement Summary Statements (PADSS) and our Risk & Issues Log.

In addition, we are also concerned that if there is submission of substantial new evidence, particularly if occurring late in the Examination process, this will put further pressure on Natural England's staff. Whilst we seek to meet Examination timeframes wherever possible, our concern is that our ability to do this will be affected if significant additional information is submitted. In these circumstances, Natural England will use its best endeavours but we will provide advice to the Examining Authority on what we consider is

achievable in the circumstances.

2. Attendance of the Preliminary Meeting

Thank you for your invitation to the Preliminary Meeting on 28 January 2025. Natural England will not be attending but hope this letter will suffice in providing our input into this meeting.

3. Accompanied Site Inspections (ASI)

Natural England does not plan to attend any site inspections, noting we are not permitted to provide advice during these visits.

4. Compulsory Acquisition Hearings (CAH)

Natural England does not plan to attend any Compulsory Acquisition Hearings, as these fall outside of our remit.

5. Issue Specific Hearings (ISH)

Natural England will only attend hearings by exception, targeting those ISH that have the greatest likelihood of resolving significant environmental risks. In such instances our attendance will be virtual. We highlight that where Natural England does not attend hearings, this should not be construed as a lack of concern on outstanding issues, as opposed to the likelihood of these being resolved.

Natural England would be pleased to respond to any questions from the ExA that arise from the hearings at a subsequent deadline.

As regards the first set of hearings, to date we are not aware of any significant progression of key issues since the submission of our combined Relevant Representations and Written Representations, and we are not aware of any substantial new information from the Applicant that is proposed to be discussed in the initial hearings. Therefore, we will not be attending Open Floor Hearing 1 (OFH 1) on 29 January 2025.

6. Engagement with the Applicant

During the Examination Natural England will, where possible, engage with the Applicant to ensure issues are progressed. Due to the timing implications of multiple OWF examinations, Natural England will focus our engagement on key issues where the proposals are being amended in response to concerns, or where new or updated assessments present an opportunity for issue resolution.

7. Statement of Common Ground (SoCG), Principal Areas of Disagreement Summary Statements (PADSS) and other progress tracking documents

Natural England will submit our Risk and Issues log at Deadline 1, and updates to the log will be provided at all subsequent deadlines. This will include any relevant points regarding ongoing engagement with the Applicant. We will also provide updates to our PADSS from Deadline 4 onwards. We hope this will be of assistance to the ExA in understanding Natural England's current outstanding issues and on demonstrating progress on issue resolution.

Natural England welcome the ExA's decision (28 November 2024) that Natural England and the Applicant will not be required to enter into a bilateral SoCG and that the ExA has made a procedural decision that Natural England will treat their PADSS as a 'live' document which will be updated during the Examination, indicating any progress made to address areas of disagreement. Accordingly, Natural England will submit its first substantive PADSS update at around the Examination's midpoint (i.e. Deadline 4 on 22 April 2025). and submit a PADSS update at each subsequent Examination deadline.

8. Response to Deadlines

Throughout the examination it is anticipated that many documents will be submitted and published on the PINS website. Natural England will screen all documents; however, we will only conduct detailed review and provide feedback on documents deemed relevant to our statutory function and the issues we have raised. We will advise the ExA in writing at each Deadline of which documents we have reviewed. If there is a document Natural England has not reviewed that the ExA wishes to have our advice on, then please inform us as soon as possible and we will endeavour to review ahead of the next Deadline or

advise at which Deadline comments can be expected. Any documents not listed within our Deadline responses should be assumed to have not undergone detailed review by Natural England.

9. Submission of Additional Information

Provision of large amounts of new or updated information during the Examination presents major challenges for consultees, particularly when engaged with multiple overlapping cases. Whilst Natural England will always make best endeavours to respond to submissions in a timely fashion, it cannot be guaranteed that all documents submitted will be reviewed by the following Deadline. Regularly updated information from the Applicant regarding the predicted submissions and arrival times can help manage this to some extent and we encourage the ExA to seek this.

Furthermore, Natural England will not provide a response to documents allowed to be submitted into Examination 'between' Deadlines. Should there be documents submitted between Deadlines, we suggest these are issued at the next appropriate Deadline, and we will respond at the following Deadline, or if time does not allow the subsequent Deadline.

10. Submissions of other parties

We highlight that Natural England does not intend to comment on any direct responses by the Applicant or other IPs on our representations unless new technical information is included.

More generally, Natural England will not respond on the submissions of other parties unless we become aware of a fundamental point of clarity which is required. Our focus will be on providing advice under our remit on nature conservation concerns, rather than advising on the merits of the submissions of others.

11. Report on the Implications for European Sites (RIES)

Natural England notes in Annex D (Draft Examination Timetable) that the RIES will be published on 01 July 2025 (i.e. between Deadlines 6 and 7) with comments on the RIES due at Deadline 8 (23 July 2025). Thus, only submissions up to Deadline 6 will be considered in the RIES. As a result, the RIES will not take account of updated advice on various Habitats Regulations Assessments (HRA) aspects beyond that point. Natural England recommends that the RIES is updated before it is included alongside the ExA report to the Secretary of State (SoS), so that a full account of the Examination's consideration of HRA matters is presented in one place.

Nevertheless, as previously advised to PINS and DESNZ, Natural England does not consider consultation on the RIES adequately discharges the statutory requirement to consult Natural England on Appropriate Assessments.

12. Draft Examination Timetable

Natural England is largely content with the North Falls OWF Examination Timetable but would like to propose some alternative dates for the following deadlines owing to clashes with public or school holidays:

- Deadline 4 is currently scheduled for Tuesday 22 April 2025 which is the first day back after the school Easter holidays. We, therefore, kindly request that the ExA consider moving this deadline by one or two days.
- Deadline 5 is currently scheduled for Wednesday 28 May 2025 which is in the school May half-term holiday and we kindly request that the ExA consider deferring this deadline to the following week.
- Deadlines 7 and 8 are currently scheduled for Tuesday 15 July 2025 and Wednesday 23 July 2025, respectively. Natural England highlights that owing to the short timeframe between these deadlines, it is unlikely that we will be able to review a large volume of new or updated documents submitted at Deadline 7 in time for Deadline 8.

13. Other Nearby NSIPs

Natural England wishes to highlight a number of other NSIP applications that relate to proposed developments within the vicinity of the North Falls OWF Project, including:

- Five Estuaries OWF (currently in Examination until 17 March 2025).
- Norwich to Tilbury network reinforcement (anticipated to submit its DCO application in summer 2025).
- Tarchon Energy Interconnector has a connection agreement with the East Anglia Connection Node (EACN) which forms part of the National Grid's Norwich to Tilbury project (also listed above).
- Sea Link Transmission Proposal (due to submit its application for development consent in early 2025). However, we note the Secretary of State's decision in 2024 not to pursue a coordinated offshore connection between North Falls, Five Estuaries and Sea Link, and this Project's timeline may no longer be directly relevant to the North Falls OWF Project.

North Falls and Five Estuaries OWF Projects plan to share landfall on the Essex coast and an onshore cable corridor across the Tendring Peninsula. They have also made provisions to co-locate their onshore substations. Natural England welcomes, and has encouraged, this coordination between the two projects. However, we are also conscious that with this coordination comes complexity in terms of understanding and assessing their potential cumulative impacts onshore, at landfall, and along their offshore export cable corridors. Moreover, we are mindful that decisions may be made on the Five Estuaries application ahead of, and in the absence of, decisions made on the North Falls application. We therefore feel that the decision-making process for both projects should endeavour to take into consideration the potential outcome of Examination for the other project.

We hope these comments assist the ExA at the Preliminary Hearing. For any queries relating to the content of this letter please contact me using the details provided below.

Yours sincerely,

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