



Meeting note

Project name	North Falls Offshore Windfarm project
File reference	EN010119
Status	Final
Author	The Planning Inspectorate
Date	30 November 2021
Meeting with	North Falls Offshore Wind Farm Ltd
Venue	Microsoft teams
Meeting objectives	Project Update Meeting
Circulation	All attendees

Summary of key points discussed and advice given

The Applicant and The Planning Inspectorate (the Inspectorate) Case team introduced themselves and their respective roles. The Inspectorate advised that a note of the meeting would be taken and published on its website in accordance with section 51 of the Planning Act 2008 (the PA2008). Any advice given under section 51 would not constitute legal advice upon which applicants (or others) could rely.

Project update and programme

The Applicant provided an overview of the work completed in Q3/ Q4 2021. It continued to engage in the Pathfinder programme with the Department for Business, Energy and Industrial Strategy (BEIS), OFGEM and National Grid Electricity System Operator (NGESO), and the Offshore Transmission Network Review (OTNR) workstream.

Its onshore and offshore Habitats Regulations Assessment (HRA) Evidence Plan (EP) process was progressing, with a number of Expert Topic Groups (ETG) being held. Decision logs and minutes from these meetings had been circulated to attendees. A second year of offshore aerial bird surveys had been concluded, the findings of which were being discussed with Natural England (NE) and other stakeholders. Following extensive consultation with Statutory Nature Conservation Bodies (SNCB) and the fishing industry, marine geo-physical surveys had been executed and completed during Q3 2021. Benthic sediment samples had been obtained in consultation with the Marine Management Organisation (MMO) and Centre for Environment, Fisheries and Aquaculture Science (CEFAS). Approved laboratories would be used for the sediment contamination analysis during the final quarter of Q4 2021.

In response to the decision on the Thanet Extension Offshore Wind Farm it was engaging with Trinity House and the Marine Coastguard Agency on data collection to support its navigational risk assessment. This included options for the use of existing AIS tracking information, in addition to the Applicant's own surveys.

The Scoping Opinion had been received, the content of which was being reviewed. The Applicant was reviewing its Rochdale envelope, and undertaking a high level onshore constraints mapping exercise for the Tendring Peninsula area.

HRA offshore screening and Marine Conservation Zone (MCZ) screening had been submitted to a number of stakeholders linked with the relevant ETGs. The Applicant would start to engage with stakeholders on shadow derogations cases during 2022. The Applicant explained that derogations (including compensation) may be required for lesser black backed gull of the Alde-Ore Estuary Special Protection Area (SPA) and Flamborough and Filey Coast SPA, however collision risk modelling would be completed to define the extent of impacts and confirm whether derogation and compensation would be required. The Applicant explained that it would first aim to mitigate impacts to avoid adverse effects on integrity. The Applicant also explained that NE considered adverse effects on integrity to red-throated diver of the Outer Thames Estuary SPA could not be excluded from the project alone. The Inspectorate advised that the draft revised National Policy Statements (NPS) required Applicants to submit a draft without prejudice derogation case where there is any disagreement with the statutory nature conservation body over the potential for adverse effects on integrity. It advised the Applicant to monitor this requirement when the NPS were finalised.

Q1/ Q2 2022 would include consultation on the onshore site selection "Golden Rules" methodology with key stakeholders. Information regarding the National Grid (NG) substation location was still required in order to launch the Applicants own onshore substation and cable route site selection process. The Applicant understood that National Grid would complete their own substation and overhead line selection process in the first part of 2022. Once the Applicant had concluded its own site selection process, it would subsequently engage with relevant local authorities (LA) on the Statement of Community Consultation (SoCC) and continue to engage in the OTNR early opportunities programme. The Applicant was mindful of its programme which included the Contracts for Difference auction in 2025, discharge of requirements, and connection in 2030. The Inspectorate advised that the Applicant could demonstrate any strategic working within its consultation.

Non statutory virtual public consultation was ongoing from 15 October until 15 December 2021. Advertisements were promoting public engagement.

BEIS Pathfinder and ongoing participation

The Applicant was actively participating in the OTNR and set out the high-level risks/benefits for alternative grid connection concepts. However, further certainty regarding the regulatory, commercial and consenting pathways would be required. There was ongoing engagement with NGEN and other project promoters in the area. The Applicant was mindful of the differing business cases and consenting programmes for the projects involved. Aligning these early in the 2020's would create significant challenges and has the potential to delay overall delivery for 2030. Renewable UK would be becoming more involved in 2022 and coordinating meetings between regional project promoters.

HRA and Compensation content for the Preliminary Environmental Information Report (PEIR)

The Applicant noted the Secretary of State's decision on the Hornsea Project Three Offshore Wind Farm regarding derogation forming part of the pre-application stage. It

noted that Hornsea Project Four Offshore Wind Farm included its Report to Inform Appropriate Assessment (RIAA) at consultation and PEIR stage. The Applicant explained that it anticipated its PEIR would be completed by the end of Q1 2023 and that a shadow derogation case (including potential compensation measures) would be being developed in parallel; however it would aim to eliminate adverse effects on integrity and therefore a derogations case may be produced on a without prejudice basis only. It queried that if this is the case, what level of detail relating to the derogations and compensation measures should be included within the PEIR and highlighted the complexities involved in explaining this position to third parties. The Inspectorate acknowledged the Applicant's position however advised that it would be sensible if it presented any available information within the PEIR to ensure the information can be viewed and commented upon prior to the submission of the application. The Applicant advised it may wish to have further discussions with the Inspectorate regarding the content of the PEIR.

Planning and Performance Agreements (PPA)

A memorandum of understanding (MOU) was in place between Essex County Council and Tendring District Council and a PPA had been offered to the LA by the Applicant. The Inspectorate highlighted [Advice Note 2](#) which set out the role of local authorities and information about joint working arrangements.

Public consultation and inclusion of optionality

The Applicant highlighted that the current consultation includes optionality due to the uncertainties surrounding OTNR and potential reform. High levels of certainty around the existing radial connection regime against uncertainty on alternative connections could pose an issue for a 2023 DCO submission date. NPS requirements for inter-project coordination could be viewed subjectively and the timing of interconnector projects could create project on project risk. The Applicant also needed to consider how to report on cumulative impacts in the PEIR, and identification of worst case scenarios, being mindful of the Norfolk Vanguard and Boreas decisions. The Inspectorate acknowledged that the worst-case scenario may differ from issue to issue, taking into account the differing aims and objectives of individual programmes. The Applicant acknowledged that multiple options could be available from a technical perspective, however there could be economical, commercial, regulatory and programme constraints and expectations needed to be managed during the 2020's.

Update from PINs

The Inspectorate advised it did not have direct involvement in OTNR and the Pathfinder scheme.

The consultation on the draft NPS' had closed, and no further timescales for adoption were known. Finalisation was expected in 2022.

The Applicant raised a query regarding the Hornsea Four project, the use of signposting letters and whether signed land agreements to facilitate Horizontal Directional Drilling (HDD) were required. The Inspectorate advised the signposting letters were submitted by the Applicant to clarify how Energy Balancing Infrastructure elements of the Hornsea Four project had been assessed within the Environmental Statement. The Inspectorate clarified that the section 51 advice issued for Hornsea Four project was in relation to the need to ensure that any HDD used for mitigation is secured within the DCO. The

Applicant advised it was keeping a flexible project description in the PEIR to accommodate alternatives like battery storage and grid service equipment. It would review the s51 advice for Hornsea Four and consider whether these needed to be retained in its own project. The Inspectorate highlighted the Cleeve Hill project use of battery storage, and its extensive discussions regarding accidents and disasters during Examination.

The Inspectorate queried whether Unexploded Ordnance (UXO) clearance would form part of the Deemed Marine Licence (DML). The Applicant advised it needed to engage with the MMO and this would be discussed at ETG workstreams in 2022. The Inspectorate highlighted a recently published joint interim position statement between BEIS, MMO, JNCC and other parties regarding low noise detonation options.

Specific decisions/ follow-up required

The following actions were agreed:

- Applicant to confirm when next project update meeting should take place, dependent on activity.