



## Meeting note

<b>Project name</b>	<b>North Falls Offshore Wind Farm (NFOW)</b>
<b>File reference</b>	<b>EN010119</b>
<b>Status</b>	<b>FINAL</b>
<b>Author</b>	<b>The Planning Inspectorate</b>
<b>Date</b>	<b>25 January 2024</b>
<b>Meeting with</b>	<b>Applicant</b>
<b>Venue</b>	<b>Microsoft Teams</b>
<b>Meeting objectives</b>	<b>Project update meeting</b>
<b>Circulation</b>	All attendees/ additional contacts to share meeting note

### **Summary of key points discussed, and advice given.**

The Planning Inspectorate (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**

The Applicant is making plans to conduct targeted s42 Planning Act 2008 (PA2008) consultation with newly identified landowners and land interests owing to minor changes in the Preliminary Environmental information Report (PEIR) boundary in March 2024. The consultation will run for 28 days.

The Applicant advised that the Crown Estate (CE) will reopen its original 2017 Round 3.5 Plan Level Habitats Regulations Assessment (HRA) with a view to publishing a report in quarter one / quarter two of 2025. The Applicant advised that with current project timelines, The CE report publication could potentially coincide with the time the Examining Authority (ExA) will submit their recommendation report to the Secretary of State.

The Applicant advised there has been ongoing liaison with the Five Estuaries Offshore Wind Farm Project (FEOWF) and National Grid on co-ordinated onshore design and Environmental Impact Assessment (EIA) topics and discussion on the alignment of onshore construction scenarios for the purpose of draft Development Consent Order (dDCO) alignment. This is with a view to submit the dDCO in July 2024.

The Applicant advised that they are monitoring the Department for Levelling Up Homes and Communities NSIP Reform Action plan and requested advice from the Inspectorate on changes and timing to Advice Notes.

## **Habitats Regulations Assessment compensation**

The Applicant presented a table summary of the Report to Inform Appropriate Assessment (RIAA) and Preliminary Environmental Information Report (PEIR). The Applicant has been in discussions with Natural England (NE) with regards to the HRA compensation process and proposals, data gathering and surveys. The Applicant has also asked DEFRA for proposals on how they can take part in, but not take ownership of regional compensation solutions with discussions ongoing. The Applicant is meeting with the Department for Environment, Food and Rural Affairs in February 2024 to discuss potential project level solutions. The Inspectorate asked the Applicant if they are confident discussion with NE will progress until Examination. The Applicant advised that they are anticipating further written responses from NE and are hopeful of both project level and regional compensation solutions will be agreed by the end of DCO examination.

The Applicant raised how the Energy Act 2023 enables the use of the Marine Recovery Fund to compensate for adverse environmental effects of relevant offshore wind activities and subject to further Statutory Instruments and DEFRA's creation of a Compensation Library (CL). It is unknown at this stage if the CL will cover North Falls Offshore Wind Special Protection Areas (SPAs) and their qualifying species. The Applicant will be meeting with DEFRA's newly appointed Strategic Compensation and Offshore Wind Enabling Actions Programme manager to seek clarity on these issues and to confirm if strategic compensation is possible.

## **DCO optionality**

Given the current regulatory regime and uncertainty, the Applicant is continuing to include a radial connection between the offshore array and an onshore grid connection point that forms part of National Grid's East Anglia Green Energy Enablement project. However, the possibility of an offshore connection to a third-party offshore transmission operator Offshore Transmission Network Review (OTNR) will also be included. The Applicant advised it won't be making any preference on which option until the necessary regulatory regime is in place. This may follow once the DCO has been determined and before a Final Investment Decision (FID) can be made.

Further, the Development Consent Order (DCO) will seek to consent an onshore radial option (in coordination and collaboration with Five Estuaries Limited), and an offshore option for the grid connection, and if the DCO is consented, will progress the design for both options if required. The Applicant expressed the importance for the project that the DCO should not require a decision prior to a Final Investment Decision (FID) having been made. However, the Applicant recognises that selecting an option may be required to participate in the Contracts for Difference (CfD) process or commence the procurement process for a construction contractor.

## **Advice**

The Applicant requested advice on the submission process and fees. It was agreed that the Inspectorate would send this information to the Applicant within pre-submission letters.

The submission method of the application was discussed, with the Inspectorate advising the use of a file transfer website and encouraged testing of this prior to submission. It was agreed to hold a further meeting prior to submission with an agenda provided ahead of the meeting.

The Inspectorate advised the applicant to consider whether the application documents would be published as soon as possible during acceptance or only if the application was accepted for examination. Further, the Applicant advised that a DCO submission in July 2024 was increasingly likely.

The Inspectorate encouraged the Applicant to submit the draft HRA report at Draft Docs stage to allow opportunity to address any potential issues prior to submission.

The Inspectorate advised that the North Falls Offshore Windfarm sits on the new Beta site of the National Infrastructure Planning website. The project is not part of the Early Adopter programme.

### **Specific decisions/ follow-up required?**

Agreed actions:

- The Inspectorate will send:
  - Pre-submission letter to Applicant
  - Reg 5 Acceptance fee request letter to Applicant
- The Inspectorate will schedule a Project Update Meeting for February 2024
- The Applicant will keep the Inspectorate updated on development.