



The Planning Inspectorate Yr Arolygiaeth Gynllunio

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Ms. Isabel Land
Ms. Kalina Peneva-Gädeke

Your Ref:

Federal Ministry for the Environment,
Nature Conservation, Nuclear Safety
and Consumer Protection
Division G I 2
Stresemannstraße 128-130
D-10117 BERLIN
E-mail: GI2@bmuv.bund.de

Our Ref: EN010119

Date: 3 December 2024

Sent by e-mail: GI2@bmuv.bund.de

Dear Ms Land and Ms Peneva-Gädeke

Planning Act 2008 and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 - Regulation 32

Application by North Falls Offshore Wind Farm Limited (the Applicant) for an Order Granting Development Consent for the North Falls Offshore Wind Farm (the Proposed Development)

Notification under the EIA Regulations that the proposed development is likely to have significant effects on the environment in an EEA State

This is the formal notification under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) that the proposed development requires an environmental impact assessment and that the Secretary of State is of the view that it is likely to have significant effects on the environment in your State. This is based on the current information provided by the Applicant and applying the precautionary approach. The Secretary of State's transboundary screening document is available at:

<https://infrastructure.planninginspectorate.gov.uk/EN010119/NorthFalls/Transboundary>

The application for a Development Consent Order to construct an offshore wind farm has been accepted for examination. Details of the process are set out below.

Participating in the Regulation 32 procedure

<https://infrastructure.planninginspectorate.gov.uk>



Your State can participate in the Regulation 32 procedure by providing comments to the Secretary of State on the potential significant effects of the proposed development on the environment in your State through the procedure explained below.

If your State indicates that it wishes to participate in the procedure, the Secretary of State will consult you about the likely significant effects on your State and the measures envisaged to avoid, reduce or remedy such effects. The Secretary of State will agree with you a reasonable period of time for the consultation and will ensure that you have an opportunity before development consent is granted, to forward the opinions of your public and of the relevant authorities in your State as designated under Article 6(1) of the EU Directive.

The Planning Inspectorate's Advice Note 12 sets out in detail a two stage approach to consultation that the Secretary of State will follow to meet the requirements of Regulation 32 of the EIA Regulations. The two stage approach is broadly as follows:

- **Stage 1**, this notification letter, which is primarily to make you aware of the proposed development and to enable you to notify the Secretary of State whether your State wishes to participate in the procedure under Regulation 32 in relation to this application or confirm that your State does not wish to participate, or just wishes to be kept informed about this application, and
- **Stage 2**, if your State responds to this notification informing the Secretary of State that it wishes to participate in the procedure under Regulation 32 in relation to this application, you will be consulted on the application for the proposed development, including the Environmental Statement.

The Planning Inspectorate's Advice Page, Nationally Significant Infrastructure Projects: Advice on Transboundary Impacts and Process, sets out more detailed information on the transboundary consultation process and is available at the link provided below:

<https://www.gov.uk/guidance/nationally-significant-infrastructure-projects-advice-on-transboundary-impacts-and-process#transboundary-process-under-regulation-32>

Description of the proposed development

Offshore: an extension of the existing Greater Gabbard Offshore Wind Farm (GGOWF), located in the southern section of the North Sea approximately 22.5km off the coast of Essex (at its closest point) and associated offshore electrical connection equipment.

Onshore: a landfall site within a 3km length of coastline between the settlements of Clacton-on-Sea and Frinton-on-Sea in the Tendring peninsula; and an onshore substation and onshore connection cable to be located within an area of search of approximately 150km² within the Tendring District Council (TDC) administrative area.

Further information about the proposed development, including the Non-Technical Summary of the Environmental Statement, and about its likely significant effects is available in the application documents on our website available at the link below:

<https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010119/documents>

Information about the application procedure under the Planning Act 2008 and EIA Regulations and the nature of the decision

The Planning Act 2008 (PA 2008) established that nationally significant infrastructure projects (NSIPs)¹ such as this proposal require development consent in the form of an Order granted by the relevant Secretary of State.

Where an application for a Development Consent Order is accepted for examination, under statute there is a maximum of six months for the examination. The Examining Authority appointed to undertake the examination makes a recommendation to the relevant Secretary of State as decision-maker. The relevant Secretary of State, having taken the environmental information into consideration, may refuse or grant development consent. If development consent is granted, this may be subject to requirements which, if necessary, will secure measures to avoid, reduce or remedy the likely adverse effects of the proposed development.

A detailed explanation of the process may be found in the Planning Inspectorate's Advice Page, Nationally Significant Infrastructure Projects: The stages of the NSIP process and how you can have your say, available at the link provided below:

<https://www.gov.uk/guidance/nationally-significant-infrastructure-projects-the-stages-of-the-nsip-process-and-how-you-can-have-your-say>

The application has been accepted for examination and is currently in the pre-examination stage.

Responding to this notification

We would be grateful if you could acknowledge receipt of this notification and indicate whether your State intends to participate in the EIA procedure under Regulation 32 in relation to this proposed development. Your reply to the Secretary of State should be sent electronically to NorthFalls@planninginspectorate.gov.uk.

Please note that if no response is received by 23 January 2025, then the Secretary of State will assume that your State does not wish to participate in the procedure under Regulation 32 in relation to this application and will not undertake Stage 2 consultation, unless you subsequently inform the Secretary of State that your State wishes to take part in the Regulation 32 process.

If you have any queries, please do not hesitate to contact us at NorthFalls@planninginspectorate.gov.uk

Yours sincerely

Helen Lancaster

Helen Lancaster
Operations Lead – Environmental Services Team,
on behalf of the Secretary of State

This communication does not constitute legal advice.
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<https://infrastructure.planninginspectorate.gov.uk>

