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UK Technical Services Navigation
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National Infrastructure Planning
Temple Quay House
2 The Square
Bristol, BS1 6PN

3 March 2025

Your reference: EN010119

Dear Sir/Madam

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

Written Representation

The Maritime and Coastguard Agency (MCA) is an Executive Agency of the Department for Transport and is responsible throughout the UK for implementing and developing the UK Government's maritime safety and environmental protection policy. This includes co-ordinating maritime Search and Rescue (SAR) through His Majesty's Coastguard 24 hours a day, and checking that ships meet UK and international safety rules. The MCA works to prevent the loss of lives at the coast and at sea, to ensure that vessels are safe, and to prevent coastal pollution. The UK Technical Services Navigation Branch is responsible for UK radiocommunication and navigation policy. This primarily covers SOLAS Convention (Safety of Life at Sea Convention 1974, as amended) Chapters IV and V; the COLREG Convention (International Regulations for Preventing Collisions at Sea 1972, as amended); and the ITU Convention (International Telecommunications Convention 1932, as amended). The Navigation Risk Assessment (NRA), the Shipping and Navigation chapter of the Environmental Impact Report and the draft DCO have been reviewed and we would like to comment as follows:

3.1.17 Environmental Statement Chapter 15 Shipping and Navigation (APP-029) and 3.3.16 Environmental Statement Appendix 15.1 Navigational Risk Assessment (APP-106, APP-107 & APP-108)

The Applicant has undertaken a detailed Navigation Risk Assessment (NRA) in accordance with MCA guidance MGN (Marine Guidance Note) 654 and NRA risk assessment methodology. We are satisfied that appropriate traffic data has been collected in accordance with MGN654. This includes three 14-day marine vessel traffic surveys carried out in February 2022, July 2022 and January 2024 which was supplemented by three years of Automatic Identification System (AIS) data from 2020-23. Further surveys of the export cable corridor were also carried out in in the same three periods as above. MCA is content that the traffic data collection is suitable for the assessment.

Key and appropriate stakeholders were identified, and the MCA is content that suitable consultation took place via a hazard identification workshop and dedicated meetings. A completed MGN 654

Checklist has been provided as part of the NRA, and we are content the recommended NRA methodology process has been followed.

Navigable Sea Room

The removal of the northern array is welcomed for avoiding unacceptable risks to navigation safety. The Red Line Boundary (RLB) of the southern array was changed post-PEIR as presented in Figure 1-1 of the NRA to avoid encroaching into the International Maritime Organization (IMO) adopted Precautionary Area and to increase the distance from two IMO-adopted Traffic Separation Schemes. Whilst these distances do not meet the guidance within MGN654 for mitigating collision and allision risks, a Structures Exclusion Zone (SEZ) is proposed to ensure no surface piercing or above-surface infrastructure will be installed within 1NM of the IMO-adopted traffic routeing measure boundaries. This has been agreed by MCA as a necessary mitigation measure for reducing navigational risks.

Shipping and Navigation Mitigation Measures

In response to MCA and stakeholder concerns at the Hazard Identification workshop, PEIR and subsequent additional meetings, a Navigation Installation Plan (NIP) has been proposed by the applicant. This plan seeks to mitigate further any potential increases in the risk of collision in association with project vessels involved in cable laying works, especially in the Sunk Precautionary and Pilot boarding areas.

We are content that the mitigation measures in Table 19.1 of the NRA and Table 15.3 of the Chapter 15 are relevant and appropriate and will serve to reduce identified risks to As Low As Reasonably Practicable (ALARP).

Galloper Recommended Route

The southern array overlaps an IMO-adopted routeing measure, known as the Galloper Recommended Route, which was established in 2007 for the ferries operating between Harwich Haven ports and Ostend. As per our response to the PEIR consultation and Relevant Representation, it will require agreement with relevant operators, ports and IMO member nations, in particular the Belgian maritime administration, to remove the Recommended Route as an IMO-adopted routeing measure. If agreement cannot be reached firstly at the UK Safety of Navigation (UKSON) committee (UK's navigation policy steering group), and subsequently by IMO members, MCA will not be able to support the proposed North Falls offshore wind farm development. Approval to remove the Galloper Recommended Route from the IMO must be received before any construction can commence.

The applicant has conducted an additional navigation and environmental risk assessment on alternative routes vessels could take to Belgian ports. This assessment has been accepted and the Belgian maritime administration has indicated they could support the removal of the Galloper Recommended Route. If the project receives ministerial consent in Q1 2026, the proposal to remove the Recommended Route will be presented to UKSON in March/April 2026. If approved by UKSON, the proposal will be submitted six months (December 2026) before the Experts Group on Ships Routing at the International Maritime Organisation's (IMO) sub-committee on Navigation Communication Search and Rescue (NCSR) in May/June 2027. If the Experts Group agrees to the removal of the Recommended Route, the proposal will be submitted to the subsequent Maritime Safety Committee (MSC) 114, to be held in May 2028. Once accepted by MSC the removal of the Recommended Route will be in force within 4-6 months, therefore the earliest this can be expected is Q4 2028.

It is our position that a condition of consent must be included within the DCO/DML to ensure that no offshore construction that directly interacts with the Galloper Recommended Route can commence before the removal is in force.

Emergency Response and Search and Rescue.
There is an expectation that the presence of wind farms will increase the likelihood of the requirement for emergency response, not just from navigational incidents but from other incidents such as medical evacuation or pollution. A SAR checklist based on the requirements in MGN 654 Annex 5 will need to be completed in agreement with MCA before construction starts. This will include the requirement for an approved Emergency Response Co-operation Plan (ERCoP).

During SAR discussions, particular consideration will need to be given to the implications of the site size and location. Attention should be paid to the level of radar surveillance, AIS and shore-based VHF radio coverage and give due consideration for appropriate mitigation such as radar, AIS receivers and in-field, Marine Band VHF radio communications aerial(s) (VHF voice with Digital Selective Calling (DSC)) that can cover the entire wind farm sites and their surrounding areas. It will be expected that the applicant will provide this AIS and VHF capability to the MCA with direct access to HM Coastguard systems.

Cable Routes and Cable Protection
The export cable route and cable protection plans will need particular focus owing to the large volume of traffic including deep draft vessels in the Sunk Outer and Inner Precautionary Areas, the Sunk Pilot Boarding Station and channels that have a charted maintained depth. Where burial depths as informed by the Cable Burial Risk Assessment (CBRA) cannot be achieved in the maintained depth channels any potential reduction in surrounding depths referenced to Chart Datum will need special attention and further consultation with the MCA and relevant stakeholders. Any consented cable protection works must ensure existing and future safe navigation is not compromised.

It is noted in the Glossary of Chapter 15 (APP-029) that the offshore substation platform(s) will contain High Voltage Alternate Current (HVAC) equipment which is not expected to have an impact on electro-magnetic fields and ships' magnetic compasses. It is also noted that connection to a third-party High Voltage Direct Current (HVDC) cable(s) and a platform may be necessary. There is a potential impact on ships compasses from the electro-magnetic field generated from HVDC cables and a pre-construction compass deviation study may be required on the expected electro-magnetic field. Should this go ahead, we would be willing to accept a three-degree deviation for 95% of the cable route. For the remaining 5% of the cable route no more than five-degree deviation will be attained.

MCA welcomes the preparation of a navigation Installation Plan (NIP) for the offshore ECC in consultation with local ports and operators. Given the traffic density and depths constraints within the area this document will help in carefully managing the cable installation risks. While drafting this document, details including navigational constraints and common practices of routeing and pilotage operations in heavy weather should be considered. It is expected that through the Cable Specification and Installation Plan (CSIP), the CBRA, preparation and review of a NIP, and continued consultation with stakeholders, the applicant will address these concerns.

Layout Design
The turbine layout design must be compliant with MGN 654 and it will require MCA and Trinity House approval prior to construction to minimise the risks to surface vessels, including rescue boats, and search and rescue aircraft operating within the site. MCA will seek to ensure all structures are aligned

in straight rows and columns with a minimum of two lines of orientation. Table 15.3 of Chapter 15 confirms the intention to continue discussions with the MCA and Trinity House. Further advice will be provided once the layout discussions have started.

Marking and Lighting
MCA will seek to ensure the turbine numbering system follows a 'spreadsheet' principle and is consistent with other windfarms in the UK. All lighting and marking arrangements, including identification markings, will need to be agreed with MCA and Trinity House. The MCA requires all aviation lighting to be visible 360° and compatible with night vision imaging systems, as detailed in CAP 764 and MGN 654 Annex 5.

Construction scenarios
We would expect to see some form of linear progression of the construction programme avoiding disparate construction sites across the development area, and the consent needs to include the requirement for an agreed construction plan to be in place ahead of any works commencing.

Safety Zones.
The requirement and use of safety zones as detailed in the application as embedded mitigation in Table 15.3 of Chapter 15 is noted, and MCA will comment on the safety zone application once submitted. Safety zones during the construction, maintenance and decommissioning phases are supported. A detailed justification would be required for a 50m operational safety zone, with significant evidence from the construction phase in addition to the baseline NRA required supporting the case. Safety zones triggered by a Service Operation Vessel connecting to a wind turbine will not be supported as there is no clear benefit for reducing risk in addition to good watchkeeping, communications, seamanship and COLREG.

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Draft Development Consent Order (DCO) (APP-005)
As per our above advice and Relevant Representation, there must be a condition of consent within the DCO/DML to secure the removal of the Galloper Recommended Route before any offshore construction work can commence.

It is noted Schedule 1 Part 3 includes an 'Obstacle free zone for navigational safety':

- 29(1) *Unless otherwise agreed with the MCA, no wind turbine generator or offshore platform shall be installed within the area defined by the coordinates as specified in the table in sub-paragraph (3).*

It is important that the 1NM separation from the IMO routeing measures (TSS and Precautionary Area) to surface piercing infrastructures is not measured from the turbines at sea level but from the blade tips. We request confirmation form the Applicant on this point and request Part 3 s.29(1) is amended accordingly.

Schedule 8 Part 2:

- 12(3) – amend to "*…by more than 5% referenced to Chart Datum unless agreed with the MMO and MCA in writing."*
- 15(11) – add '*regional fisheries organisations*' after '*UK Hydrographic Office*'.
- 15(12) – add '*regional fisheries organisations*' after '*notify mariners*'.

- 19(10) – amend to "…*as soon as reasonably practicable and no later than 6 hours of the undertaker becoming aware of an incident. Immediate notification should be made to HM Coastguard via telephone where there is a perceived danger or hazard to navigation…"*
- 21(1)(i) – MCA must also be consulted on the lighting and marking plan to confirm requirements for turbine identification markings and SAR aviation.
- 23(2) – it is not necessary to include a separate condition for the preparation of an Emergency Response Cooperation Plan. MCA will ensure this is completed under Condition 14(1). We ask for 14(2) to be removed.

Schedule 9 Part 2:

- 13(3) – amend to "*…by more than 5% referenced to Chart Datum unless agreed with the MMO and MCA in writing."*
- 16(11) – add '*regional fisheries organisations*' after '*UK Hydrographic Office*'.
- 16(12) – add '*regional fisheries organisations*' after '*notify mariners*'.
- 20(10) – amend to "…*as soon as reasonably practicable and no later than 6 hours of the undertaker becoming aware of an incident. Immediate notification should be made to HM Coastguard via telephone where there is a perceived danger or hazard to navigation…"*
- 24(2) – it is not necessary to include a separate condition for the preparation of an Emergency Response Cooperation Plan. MCA will ensure this is completed under Condition 14(1). We ask for 14(2) to be removed.
- 28 – a post-construction bathymetric survey of the export cable route must be conducted, as per MGN654 Annex 4, and we request the following condition is added:
    - *"The undertaker must conduct a swath bathymetric survey to IHO S44ed5 Order 1a of the installed export cable route and provide the data and survey report(s) to the MCA and UKHO. The MMO should be notified once this has been done, with a copy of the Report of Survey also sent to the MMO."*

Schedule 10 Part 2:

- 12(3) – amend to "*…by more than 5% referenced to Chart Datum unless agreed with the MMO and MCA in writing."*
- 15(11) – add '*regional fisheries organisations*' after '*UK Hydrographic Office*'.
- 15(12) – add '*regional fisheries organisations*' after '*notify mariners*'.
- 19(10) – amend to "…*as soon as reasonably practicable and no later than 6 hours of the undertaker becoming aware of an incident. Immediate notification should be made to HM Coastguard via telephone where there is a perceived danger or hazard to navigation…"*
- 23(2) – it is not necessary to include a separate condition for the preparation of an Emergency Response Cooperation Plan. MCA will ensure this is completed under Condition 14(1). We ask for 14(2) to be removed.

MCA contact details in Schedules 8,9 and 10 Part 1 to be amended to:

Maritime and Coastguard Agency
UK Technical Services Navigation
Spring Place
105 Commercial Road
Southampton
SO15 1EG
Email: navigationsafety@mcga.gov.uk

Yours faithfully,

[redacted]

Offshore Renewables Lead
UK Technical Services Navigation

[redacted]

Interim Head of Operational Procedures
HM Coastguard Governance,
Procedures, Standards and International