



# Marine Management Organisation

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(Email only)

MMO Reference: DCO/2021/00002  
Planning Inspectorate Reference: EN010119  
Identification Number: 20051047

18 March 2025

Dear Wendy McKay,

## **Planning Act 2008, Proposed North Falls Offshore Wind Farm Project Order Deadline 3 Submission Summary**

On 22 August 2024, the Marine Management Organisation (the “MMO”) received notice under section 56 of the Planning Act 2008 (the “PA 2008”) that the Planning Inspectorate (“PINS”) had accepted an application made by North Falls Offshore Wind Farm Ltd, (the “Applicant”) for determination of a development consent order for the construction, maintenance and operation of the proposed North Falls Offshore Wind Farm Project (the “DCO Application”) (MMO ref: DCO/2021/00002; PINS ref: EN010119).

The DCO Application seeks authorisation for the construction, operation and maintenance of North Falls Offshore Wind Farm (the ‘Project’ or ‘North Falls’): an offshore generation station with a capacity exceeding 100 megawatts (MW) comprising up to 57 wind turbine generators together with associated onshore and offshore infrastructure and all associated development.

Three Deemed Marine Licences (DML) are included in the draft DCO. One in relation to generation assets and two in relation to transmission assets. One in relation to Wind Turbine Generators (WTG) and Associated Infrastructure, and one for Offshore Substation Platforms and Interconnector Cables.

As a marine licence has been deemed within the draft DCO, the MMO is the delivery body responsible for post-consent monitoring, variation, enforcement, and revocation of provisions relating to the marine environment. As such, the MMO has an interest in ensuring that provisions are drafted in a DML that enable the MMO to fulfil these obligations.

This document comprises the MMO’s summary for the submission for Deadline 3.



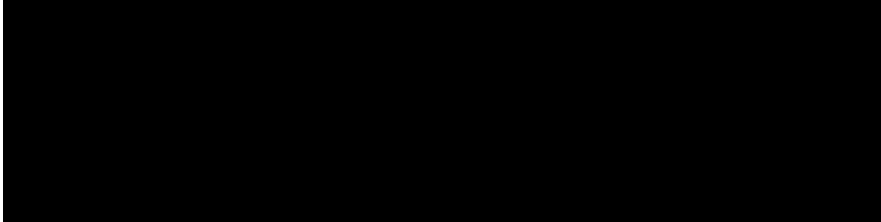
Marine  
Management  
Organisation

...ambitious for our  
seas and coasts



This written representation is submitted without prejudice to any future representation the MMO may make about the DCO Application throughout the examination process. This representation is also submitted without prejudice to any decision the MMO may make on any associated application for consent, permission, approval or any other type of authorisation submitted to the MMO either for the works in the marine area or for any other authorisation relevant to the proposed development.

Yours Sincerely,



Marine Licensing Case Officer



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## **1. Responses to Examining Authority's (ExA) Questions (ExQ1)**

- 1.1.1 The MMO's Deadline 2 response addressed the ExQ1 comments within the response, however the MMO has added Table 1 in the Deadline 3 response with further comments for clarity.

## **2. Comments on Responses to Examining Authority's (ExA) Questions (ExQ1) (REP2-020)**

- 2.1.1 The MMO acknowledges the revisions to the draft DCO (dDCO) which have been submitted by the Applicant in their Deadline 1 Submission. The MMO hopes to see further amendments to the dDCO during the examination process.

## **3. MMO Comments on Submissions at Deadline 2**

### **3.1 Shellfisheries**

- 3.1.1 The MMO has provided comments on shellfisheries following review of REP1-044, REP1-045, REP1-057 and REP1-006.

### **3.2 The MMO's response to the Applicant's Response to the MMO's Deadline 1 Submission (REP2-022)**

- 3.2.1 The MMO welcomes the Applicant's engagement with the SoCG. The MMO notes that the Applicant will provide comment on the underwater noise policy papers at the forthcoming deadline. The MMO will review this response expected to be submitted at Deadline 3 and expect to give comments at Deadline 4.

### **3.3 The MMO's comments deferred to Deadline 3 at Deadline 2**

- 3.3.1 The MMO notes that at Deadline 2 there were several comments the MMO deferred comment to Deadline 3. The MMO will provide an update to the Applicant, week commencing 24 March and is aiming to also submit this into the Examination as an additional submission. The MMO notes the ExA may not accept an additional submission and if so the information will be provided at Deadline 4. However, the MMO will ensure ongoing discussions are taking place with the Applicant.

## **4. Comments on the Updated Draft Development Consent Order (REP2-007)**

- 4.1.1 The MMO welcomes the updates the Applicant has made to the DML in relation to Aids to Navigation Plans and MCA/TH/CAA updates.
- 4.1.2 The MMO maintains its position, as stated in Deadline 2, that the updates to the dDCO are made in relation to definitions, the removal of Article 5 Benefit of the Order, Force Majeure, and condition wording updates to ensure clarity.
- 4.1.3 The MMO provided further information on Decommissioning, Time Limits/Lifespan, Chemicals, Adaptive Management and Marine Noise Registry.

## **5. Comments on Deadline 2 Written Representations**

### **5.1 Maritime and Coastguard Agency (MCA) (REP2-046)**

- 5.1.1 The MMO notes the MCA's 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.

5.1.2 The MMO notes the amendments requested by MCA to the DCO/DML, the MMO supports these and provided a condition for Dropped Objects.

## **5.2 Historic England (HE) (REP2-039)**

5.2.1 The MMO notes that the main concern raised by HE is in relation to the lack of site-specific geotechnical samples collected to feed into the geoarchaeological baseline and assessment. HE has made recommendations in its written representation (WR) to address this matter, including that it should be separately secured within the DCO/DMLs for geotechnical work, and its geotechnical assessment and the condition should specify the completion of stages of analysis prior to construction to ensure that sufficient material across the project area is collected before any impacts occur.

## **5.3 Essex County Council (REP2-035)**

5.3.1 The MMO notes that the WR submitted by Essex County Council addresses concerns relating to Highways, Public Rights of Way, Landscape, Green Infrastructure, Outline Landscape and Ecological Management Strategy, Flood, surface water and drainage, Code of Construction Practice and Cumulative Impacts.

## **5.4 Natural England (NE) (REP2-054)**

5.4.1 NE notes the ExA comments regarding the need for prompt review and continued engagement, however NE highlights its response to the Rule 6 letter in relation to focusing on issue resolution rather than production of a SoCG at this point in the examination.

5.4.2 NE has responded to several questions raised by the ExA.

## **5.5 Corporation of Trinity House of Deptford Strond (TH) (REP2-060)**

5.5.1 The MMO notes that TH is content with the methodology used to assess the Proposed Development's shipping and navigational risks in the submitted Navigational Risk Assessment (NRA) and are content the data sources within the NRA are suitable.

5.5.2 The MMO notes that TH is content that the Proposed Development, subject to the implementation of management plans and the level of mitigation proposed by the Applicant, reduces the risks to navigational safety to 'as low as reasonably practicable' (ALARP).

5.5.3 TH is satisfied that the DMLs contained within the dDCO secure necessary commitments to enable safe and practical search and rescue operations. TH is satisfied with the provisions relating to 'Pre-Construction Plans and Documentation' provide, which are to be found at Schedule 8, Part 2, s.21; Schedule 9, Part 2, s.22; and Schedule 10, Part 2, s.21.

## **5.6 Environment Agency (EA) (REP2-034)**

5.6.1 The MMO notes that EA has no overriding concerns that would prevent it from agreeing to the use of Protective Provisions (PPs) in principle. As of this time, EA has not yet been contacted by the Applicant's legal representatives to discuss PPs. EA has requested an amendment to the draft DCO in relation to the standard PPs.

5.6.2 The MMO notes that EA does not agree that the approach to assess flood risk post consent is best practice. EA requests that a flood risk assessment (FRA) should be made to enable decision makers to understand the risk, consider the feasibility of mitigation, and consider the weight that should be given in the planning balance.

5.6.3 The MMO notes EA's view that the sizing of culverts should be tested through a FRA to understand the risk and feasibility of the mitigation proposed.

5.6.4 The MMO notes that EA recommends the Applicant applies for an abstraction licence (or exemption). EA recommends that applications are made at the earliest opportunity if the DCO is approved by the Secretary of State.

#### **5.7 Royal Society for the Protection of Birds (RSPB) (REP2-062)**

5.7.1 The MMO notes RSPB's position that the conservation objective of the Outer Thames Estuary SPA (to maintain the distribution of qualifying features within the site) is unlikely to be fulfilled if there are distributional responses (such as displacement) by red throated divers to the presence of turbines.

5.7.2 The MMO notes RSPB's reasoning with regards to Gannet macro-avoidance Correction Factor which has been set out in its Relevant Representation. The MMO notes that RSPB does not agree with the approach set out above by Natural England.

5.7.3 The MMO acknowledges that RSPB disagrees with the approach of excluding compensated for projects from "in-combination" assessments and has provided reasoning including that if compensation measures have been required for a project then that project has been identified as giving rise to potential adverse impacts on the integrity of a protected site.

Yours Sincerely,

[Redacted Signature]

[Redacted Name]

Marine Licensing Case Officer

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