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

25 April 2025

Dear Wendy McKay,

**Planning Act 2008, Proposed North Falls Offshore Wind Farm Project Order  
Deadline 4 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. Schedule 8 includes the deemed marine licence includes the deemed marine licence for generation assets. Schedule 9 Includes the deemed marine licence for transmission assets, and schedule 10 includes the deemed marine licence for the offshore converter station element for the transmission assets, should that infrastructure be required.

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 4. 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. Comments on Applicant's Comments on Responses to Examining Authority's (ExA) Questions (ExQ1) (REP3-036)**

### **1.1 The MMO's Comments on the Applicant's Response to Environment Agency's comments on ExQ1 [REP2-034]**

1.1 The MMO notes that the Applicant is negotiating protective provisions with Five Estuaries Offshore Wind Farm Limited and the Environment Agency. The MMO hopes that any issues will be resolved and parties will be able to reach an agreement before the end of examination.

### **1.2 The MMO's Comments on the Applicant's Response to Historic England's comments on ExQ1 [REP2-038]**

1.2.1 The MMO has no comments on the standard conditions being included in the DML:

1.2.2 DCO Schedule 8 condition 21 (2) and DCO Schedule 9 condition 22 (2) require a 'marine written scheme of archaeological investigation', in accordance with the outline offshore WSI, to be submitted to and agreed with the MMO.

1.2.3 DCO Schedule 8 condition 21(3) and DCO Schedule 9 condition 22(3) require that that pre-construction archaeological investigations and pre-commencement material operations which involve intrusive seabed works must only take place in accordance with a method statement produced under the written scheme of investigation specific to the relevant pre-construction activities (which must accord with the details set out in the outline offshore written scheme of investigation).

### **1.3 The MMO's Comments on the Applicant's Response to The Crown Estate comments on ExQ1 [REP2-061]**

1.3.1 The MMO notes the Applicant's response in relation to Marine Net Gain (MNG), that as noted by the Crown Estate and also Natural England in response to this question, there is currently no policy or requirement for project such as North Falls to provide MGN. The MMO notes that the Applicant does not consider delivery of MNG to be feasible given that there is currently no available guidance. The MMO agrees with this approach.

### **1.4 The MMO's Comments on the Applicant's Response to The Royal Society for the Protection of Birds comments on ExQ1 [REP2-062]**

1.4.1 The MMO notes the differing position of the Applicant and RSPB and that the Applicant's position is that North Falls would not hinder the conservation objectives of Outer Thames Estuary SPA as described in the RIAA Part 4[APP-178], Section 4.4.1.3. The MMO also notes that the Applicant has followed guidance from NE. The MMO defers to the relevant Statutory Nature Conservation Body (SNCB) for their advice on ornithology matters.

### **1.5 The MMO's Comments on the Applicant's Response to Natural England's comments on ExQ1 [REP2-054]**

1.5.1 The MMO acknowledges that Natural England is not satisfied that an adverse effect on the integrity (AEoI) (alone or in combination) of the Stour and Orwell SPA and the Ramsar Site can be excluded beyond reasonable scientific doubt. The MMO notes that the Applicant maintains their position presented in the RIAA that there would be no AEoI of the Stour and Orwell SPA and Ramsar. The MMO would highlight that NE are the SNCB and defers to NE on the Habitat Regulation Assessment.

- 1.5.2 The MMO notes that in previous offshore windfarm examinations even though there was a fundamental disagreement between the parties, the Applicant still provided further assessments or a without prejudice position on the derogation process for the Marine Protected Areas where agreement could not be achieved to ensure the Examining Authority and Secretary of State had enough information for determination. The MMO would expect this to be provided at the earliest opportunity during the examination to ensure all interested parties have time to review this.

## **2. Comments on concerns raised by Port of London Authority [REP3-067] and London Gateway Port Limited [REP2-041]**

- 2.1.1 The MMO is keeping a watching brief on agreements between the Applicant and Port of London Authority and London Gateway Port Limited.
- 2.1.2 The MMO in discussions with Port of London Authority regarding any issues that may need to be updated in the DML.

## **3. MMO Response to the Applicant's Comments on MMO Deadline 2 Submission**

### **3.1 MMO Response to the Applicant's Comments on MMO Deadline 2 Submission REP2-043**

- 3.1.1 Due to the responses provided at Deadline 3 and as part of the Additional Submission the MMO has reviewed this document and only commented where new information can be provided. The MMO will provide a response to these issues at Deadline 5 in response to the Applicant comments on our Deadline 3 documents.

#### Article 5 Transfer of benefit

- 2.1 The MMO notes the most recent Rampion 2 Offshore Wind Consent Decision where the ExA and SoS discussed this topic. Although the Article remained in this DCO the MMO has provided further arguments in Table 1 of REP3-056 which have not been commented on and provided further comments in this response.

#### Schedule 8, 9 and 10 (Deemed Marine Licences) Part 1: Paragraph

- 3.1.2 The MMO has further reviewed the wording of this condition and on this occasion is content with the wording 'materially greater' and considers this matter closed.

## 4. Underwater Noise

### 4.1 Comments on Applicant's Response to MMO comment regarding Underwater noise policy papers [REP3-039]

4.1.1 The MMO acknowledges the Applicant's review on the published policy papers and welcome proposed mitigation options, including Noise Abatement Systems (NAS) within the Outline Site Integrity Plan (SIP) [APP-243]. However, the MMO would also expect the SIP and MMMP to be updated to commit to the use of noise reduction measures based on the policy papers and include reference to these papers within the document. The MMO would highlight that it is unlikely that a wildlife licence will be issued without noise reduction measures going forward, but we note that they may not be required depending on the design plan.

4.1.2 The MMO welcomes the consideration by the Applicant of the updates to the Unexploded Ordnance (UXO) position statement and the updates to the Draft Marine Mammal Mitigation Protocol (MMMP) to incorporate the latest guidance for UXO clearance.

### 4.2 Comments on the updated Draft Marine Mammal Mitigation Protocol (MMMP) [REP3-014 – Tracked]

4.2.1 The MMO recommends the discussions with suppliers begins now and the commitment to securing noise reduction is reflected within the MMMP.

4.2.2 As multiple projects will be constructing at the same time and procurement and finance is not enough to ensure that best endeavours have been shown when applying for a wildlife licence, this commitment would be welcomed now.

#### Comments on the response by the Applicant to MMMP consultation comments raised by NE

4.2.3 The MMO has reviewed the updated Draft Marine Mammal Mitigation Protocol [REP3-014] and notes the Applicant's response to NE comments in Appendix A table 1.5.

#### Comments on the response by the Applicant to MMMP consultation comments raised by MMO

4.2.4 The MMO notes the comment by the Applicant that the mitigation proposed for piling will be carried out prior to each pile, and therefore mitigation should be based on the effect from each individual pile, rather than the total piles installed within 24 hours. The MMO notes this and has no further comments at this time.

4.2.5 The MMO welcomes the amendments to the pin-pile ramp up procedures and the reduction in ranges.

4.2.6 The MMO welcomes the text referring to the "two licence" approach has been added into Section 1.1.

4.2.7 The MMO notes the proposed UXO campaign commitments have been added to section 1.4.2. The MMO welcomes that the techniques and options are presented as current examples, and the mitigation options will be reviewed and updated based on the latest information and guidance in the final MMMP alongside the marine licence application.

#### Comments on the responses by the Applicant to the Examination comments and Relevant Representations in relation to MMMP (Table 1.6)

4.2.8 The MMO welcomes that the addition of section 1.3.2.8 for potential additional mitigation.

- 4.2.9 The MMO notes the amendments to Section 1.3 of the Draft MMMP so that the sequential piling impact results are presented and mitigation measures are based on these.
- 4.2.10 The MMO welcomes the clarification in Section 1.3.2.4 that continuous monitoring will be ensured throughout piling, including any break in piling, to ensure the monitoring area is free from marine mammals before piling recommences.
- 4.2.11 The MMO notes that the Applicant considers the requirement for another full soft start period to be disproportionate, instead of the 5-6 hammer blows at low energy (<400kJ) which the Applicant considers will allow any marine mammals that may have moved nearby during the break time to move away again without providing any excessive noise. The MMO maintains their position that the guidance is adhered to and the full soft start is implemented and this should be reflected within the MMMP. The MMO is open to further discussion on this requirement post consent once the final design is confirmed however at this time the guidance should be adhered to.
- 4.2.12 The MMO welcomes the clarification in Paragraph 108 to ensure that if high-order clearance is required then NAS must be used.
- 4.2.13 The MMO recommended in their comment MMO-195 that the level vs range plots (for comparable hammer strike energies), with the associated envelopes of variability are provided. The MMO welcomes that these plots have been provided in Appendix B as part of the revised Draft MMMP and is currently reviewing these with our scientific advisors and will confirm this matter is closed at Deadline 5.

## **5. Response to the 2021 sediment survey laboratory analysis**

### **5.1 2021 Sediment survey laboratory analysis review**

- 5.1.1 The MMO requested in their Section 56 Relevant Representation [RR-216 5.3.3] that the Applicant provide the data from the 2021 sediment survey laboratory analysis in the MMO template. The Applicant provided this via email on 18 February 2025.

### **5.2 MMO Comments on 2021 Sediment survey laboratory analysis review**

- 5.2.1 The MMO is content that the sediment sampling submitted indicates that the material within the Project's red line boundary is acceptable for disposal to sea. The MMO notes that the applicant should provide further clarification as to why 20 samples were exempt from chemical analysis (see paragraph 5.2.2 of the Deadline 4 response).
- 5.2.2 The current Project area overlaps with the Five Estuaries ECC (TH019) disposal site and due to the stage of Five Estuaries we cannot close the disposal site. Therefore, we require a new shapefile for the cable corridor of Five Estuaries and North Falls to allow us to update TH019 to be the whole area – noting the DCO only allows deposits within the order limits for both projects. This will mean no changes are required to the Five Estuaries DML and although the name will still remain as Five Estuaries, North Falls can utilise the site.

## 6. Progress with Statement of Common Ground (SoCG)

### 6.1 Progress with Statement of Common Ground

- 6.1.1 The MMO provided comments on the draft SoCG on 11 February 2025. Updated version was issued to the MMO on 28 February 2024. The MMO had a meeting with the Applicant on 14 April 2025 to discuss the updates to the SoCG and outstanding issues. The MMO has reviewed the SoCG and have submitted updates to the Applicant. The SoCG is expected to be submitted at Deadline 4.
- 6.1.2 There are a number of outstanding issues and meetings are being arranged for after Deadline 4 to discuss these matters further.

Yours Sincerely,



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