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

30 May 2025

Dear Wendy McKay,

Planning Act 2008, Proposed North Falls Offshore Wind Farm Project Order Deadline 5 Submission

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 (DCO) 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 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 submission for Deadline 5.



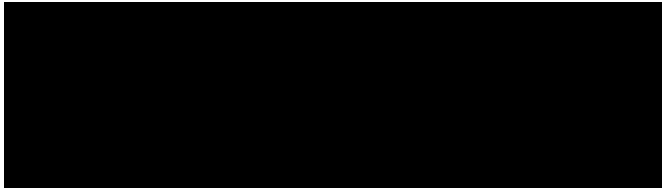
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This written representation is submitted without prejudice to any future representation the MMO may make about the DCO Application throughout the examination process. This representation is also submitted without prejudice to any decision the MMO may 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,

A large black rectangular box redacting the signature of the Marine Licensing Case Officer.

Marine Licensing Case Officer

A black rectangular box redacting the email address of the Marine Licensing Case Officer.

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1. MMO Responses to Examining Authority's (ExA) Questions (ExQ2)

1.1 MMO Responses to Examining Authority's (ExA) Questions (ExQ2)

1.1.1 The MMO has reviewed the Examining Authority's Questions and has provided responses in Table 1 below. The MMO hopes that any issues will be resolved, and parties will be able to reach an agreement before the end of examination.

Table 1: MMO Responses to Examining Authority's Questions (ExQ2)

ExQ2	Question to:	Question:	MMO Response
General and Cross-topic Questions			
Draft Development Consent Order			
Articles Part 2 – Principal Powers			
9.0.3	The Applicant, MMO	<p>Article 5 - Benefit of the Order</p> <p>The applicant's post hearing summary [REP4-034] includes reference to paragraph 6.23 of the Rampion 2 Decision Letter. The MMO Deadline 4 submissions [REP4-079] acknowledge that decision. However, they assert at 3.1.3 that, as a matter of law, a DCO cannot transfer the benefit of a DML as proposed and draw support from sub-sections 120(3) and 120(4) and Part 1 Schedule 5 PA2008. The ExA notes that sub-section 120(4) sets out that: "The provision that may be made under subsection (3) includes in particular provision for or relating to any of the matters listed in Part 1 of Schedule 5". That schedule at 30A and 30B includes reference to marine licences but does not specifically mention the transfer of the benefit of such licences. How should this part of the Act be interpreted given the reference to "includes" in section 120(4). Does it render the inclusion of dDCO Article 5 unlawful?</p> <p>Can MMO clarify their position in relation to the Rampion 2 decision and confirm that the same submissions were made in that case. If not, please identify any differences. Is the MMO asserting that the SoS's decision in that case to retain the equivalent of Article 5 was unlawful?</p>	The MMO will provide a response to this question at Deadline 6.

ExQ2	Question to:	Question:	MMO Response
		<p>The MMO [REP3-056] Table 1 refers to Schedule 6 paragraph 2(13) and paragraph 5(6) PA2008. The MMO is requested to further explain why, as a matter of law, these provisions preclude the transfer of the benefit of a DML. The applicant is requested to respond to the points made in relation to Schedule 6 PA2008 and indicate whether it accepts that the transfer of the benefit of the Order/DML represents a change to the DCO within the scope of Schedule 6.</p> <p>In the light of the applicant's response to Deadline 3 submissions [REP4-027] does the MMO agree that that there would not be any unnecessary duplication of process, as Article 5 expressly disapplies sections 72(7) and (8) of the 2009 Act; that Article 5(9) carves out the ability for the MMO to amend the DML to correct the name of the undertaker to the name of the transferee or lessee and the Article 5 procedure does not impact the MMO's enforcement capabilities. If not, please explain why?</p>	
Schedules 8, 9 and 10 – Deemed Marine Licences under the 2009 Act			
9.2.1	MMO, MCA, PLA, and London Gateway Port Limited	<p>Depths in the Deep Water Routes</p> <p>The question of the permissible water depth reduction was discussed at the ISH2. The dDCO (Rev 5) [REP4-004] has been amended at Condition 12 (3) of Schedules 8 and 10 and Condition 13 (3) of Schedule 9 to include further wording in respect of the water depth not being reduced by more than 5% Chart Datum when carrying out maintenance activities. Please confirm if the amendments now made are acceptable and address the concerns raised.</p>	The MMO will review Interested Party responses to this question at Deadline 5 and will liaise if there are any issues.
9.2.2	NE, MMO	<p>Volume of Arisings</p> <p>The dDCO (Rev 5) [REP4-004] has been amended at Condition 10 (8) of Schedule 8, Condition 11 (4) of Schedule 9 and Condition 11 (4) of Schedule 10 to include the total volumes. Are these amendments accepted?</p>	The MMO is content with the amendments to Condition 10 (8) of Schedule 8, Condition 11 (4) of Schedule 9 and Condition 11 (4) of Schedule 10 to include the total volumes of drill arising under the licence.

ExQ2	Question to:	Question:	MMO Response
9.2.5	MMO, MCA	The applicant has amended Condition 19 (10) of Schedules 8 and 10 and Condition 20 (10) of Schedule 9 in relation to debris and dropped objects. Please confirm whether the amendments are accepted and resolve the concerns raised.	The MMO is content with the amendments that have been added. The telephone number of the correct centre https://www.gov.uk/guidance/hm-coastguard-rescue-coordination-centre-contact-details must be included in the condition.
9.2.6	The Applicant	In the MMO's additional submission [AS-051], the MMO comments on the wording of Conditions 12 (4) of Schedule 8 and 10 and Condition 13 (4) of Schedule 9 in respect of the Outline Offshore Operations and Maintenance Plan. Please confirm if the wording proposed by the MMO can be agreed and the conditions amended.	The MMO provided context and background to the Applicant on 15 May 2025 and will review the Applicant's response submitted at Deadline 5.
9.2.7	The Applicant	Chemicals The MMO set out their position on chemicals in section 4 of their comments on submissions received at the previous deadline [REP3-056]. The applicant is requested to further clarify their position regarding the changes that have been sought by the MMO as set out in [AS-051] to Condition 19 (2) of Schedule 8 and 10 and Condition 20 (2) of Schedule 9.	The MMO provided context and background to the Applicant on 15 May 2025 and will review the Applicant's response submitted at Deadline 5.
9.2.8	MMO	Designation of Disposal Sites Please provide an update on the designation of disposal sites with the allocated reference numbers to be included in the DML's at Condition 19 (5) of Schedules 8 and 10 and Condition 20 (5) of Schedule 9.	The MMO is aware of ongoing discussion between North Falls Offshore Wind Farm Limited and Five Estuaries Offshore Windfarm Limited regarding the disposal site characterisation. The MMO has provided further clarification in disposal site designation in its Deadline 4 response. The MMO will provide a further update on this question once it has reviewed the updated site characterisation report.
9.2.9	MMO and the Applicant	Post Construction Monitoring Please provide an update as to the ongoing discussions in respect of Condition 27 (2)(a) of Schedules 8 and 10 and	Due to resourcing issues across the MMO and Statutory Nature Conservation Bodies (SNCBs), and taking into account the Applicant's

ExQ2	Question to:	Question:	MMO Response
		Condition 28 (2) (a) of Schedule 9 relating to post construction monitoring and whether it is anticipated that an agreement will be reached before the end of the examination.	comments, there is still not agreed wording to present. The MMO provided context and background to the Applicant on 15 May 2025 with the potential of having a commitment to discuss this post consent during the design confirmation stage and will review the Applicant's response submitted at Deadline 5.
9.2.1 0	MMO	The applicant has produced and amended Outline Fisheries and Co-Existence Plan [REP4-018]. Is this acceptable to the MMO?	The MMO welcomes the updates including the note that the MMO will not act as arbitrator or be involved in any commercial negotiations with any association / organisation, and / or individual fishermen. The MMO will maintain a watching brief on the responses by other interested parties in relation to this plan and will provide comments should any issues arise following Deadline 5.
9.2.1 1	MMO	Please confirm the timescale for the response of the MMO to the outstanding points relating to the Offshore In Principal Monitoring Plan [APP-245]	Please see Section 3 below for comments on the Offshore In-Principal Monitoring Plan.
Ecology/Biodiversity/BNG/HRA			
10.0. 1	NE, MMO	Marine Mammals – Methodology/Cumulative Assessment Appendix E4 of Natural England's Deadline 4 comments on the Information Regarding Marine Mammals [REP1-057] submitted by the applicant are noted. With regards to the interim Population Consequences of Disturbance (iPCoD) modelling and subsequent conclusions made, NE point to the applicant's over reliance on this as the main assessment tool. For clarity, what other specific assessment tools could/should be used by the applicant (if it was able to provide any other evidence) and why? Are other NSIP examples relevant? (Note: The ExA acknowledges dose assessment references made elsewhere).	The MMO defers to NE as the relevant SNCB in relation to Marine Mammals.

ExQ2	Question to:	Question:	MMO Response
10.0.2	NE, MMO, the Applicant, IPs	<p>Marine Mammals – Methodology/Cumulative Assessment/Transboundary aspects</p> <p>Noting the comments of the Netherlands Ministry of Infrastructure and Water Management at [REP3-065] has the applicant adequately addressed cumulative effects/transboundary implications for marine mammals? As context the ExA acknowledges/highlights: ES Chapter 12 Marine Mammals [APP-026]; ES 12.1 Marine Mammal Consultation/Baseline information [APP-096 & 097 & [APP-160]; ES Appendix 13.3 Supplementary Information for CEA [APP-104]; Environmental Statement Appendix 12.6 Marine Mammal Cumulative Effect Assessment Screening [APP101] ; Further Information Regarding Marine Mammals (Rev 0) [REP1-057] & [REP3-046]; the useful Cumulative Effects Assessment Summary [REP3-042] at Deadline 3; and Updated Information for Offshore Ornithology Cumulative Effects Assessment (Rev 0) [REP3-040]; RIAA Part 3 Marine Mammals Annex II Species [APP-176] & [APP-177]; Draft Marine Mammal Mitigation Protocol [APP-242] & [REP3-013].</p> <p>Accounting for existing Issues Specific Hearing responses. The applicant is requested to give its full responses to [REP3-065] if not already done so by the next deadline.</p>	<p>The MMO understands the Applicant provided a response in REP4-027. The MMO will maintain a watching brief on the responses by other interested parties to this question and will provide a further response should any issues arise.</p>
10.0.3	NE, MMO, the Applicant	<p>Marine Mammals – Cumulative Assessment / Mitigation Applicant. NE Deadline 4 commentary regarding Cumulative Assessment [REP1-057] also implies there is cherry picking of least impactful outcomes resulting in non-significant effects for marine mammals which runs counter to the precautionary principle of EIA methodology. Overall, because of these issues NE point out that the most conservative methods for project alone, cumulative and in-combination assessments have not been utilised by the applicant. They allege there are evidence gaps in the</p>	<p>The MMO defers to NE as the relevant SNCB in relation to modelling and the comments raised. It is the MMO's position that modelling is likely required to show what the impact will be post consent. The MMO will maintain a watching brief on the responses by other parties to this question and may provide further comments at a later deadline.</p>

ExQ2	Question to:	Question:	MMO Response
		<p>relationship between sound, disturbance and population impacts and assumptions and uncertainties built into the model. What information can the applicant provide to address/further justify its own case more robustly?</p> <p>Can the applicant further clarify/explain its position towards NAS modelling generally (relative to national best practice) and the range of marine mammal noise mitigation it is committing to presently? And does the applicant acknowledge the benefits of Noise Abatement System (NAS) modelling if fully applied?</p> <p>The ExA note the MMO supports the commitment of noise abatement in the Draft Marine Mammal Mitigation Plan (MMMP) and Site Integrity Plan (SIP). The MMO also agrees that the effects of noise abatement systems in reducing the noise impacts should be included in the assessment at this stage including noise abatement systems (NAS) modelling. Furthermore, the MMO supports NE in recommending that the applicant revises the in combination assessment and applies the Effective Deterrent Radius (EDR) approach as per the Best Practice Guidelines Phase III and the Guidance for assessing the significance of noise disturbance against Conservation Objectives of Harbour Porpoises Special Areas of Conservation. What is the applicant's current/most up to date position on this issue?</p> <p>The ExA acknowledges that the national underwater noise policy papers have been published, by DEFRA, JNCC, NE and Cefas (documented by NE/MMO Deadline 1). These set out the direction of travel into reducing the noise at source for piling and sets out further detail on dealing with UXO mitigation. The applicant has said it has taken such advice into account up to D4. Does the applicant intend to further adapt its existing submissions to the most recent</p>	

ExQ2	Question to:	Question:	MMO Response
		<p>national/technical advice? Is it satisfied it can demonstrate best practice in adequately managing impacts/effects?</p> <p>The applicant's commitment to using NAS/and soft starting of piling machinery clarification is requested by the ExA alongside commitment to up to date best practices in effective deterrent radius approach within an in combination assessment. Signpost/clarify/adjust where necessary.</p> <p>Natural England/applicant. The applicant has stated that UXO cannot be scheduled to avoid winter months though it does propose an amendment to the Draft MMMP [APP-242] to make clear that 'if High-order clearance is required then NAS must be used'. When will the revised version be submitted? Is NE content with this approach/resolution?</p>	
10.0.10	The Applicant, MMO, NE, Essex Wildlife Trust	<p>Marine environment/Benthic/Seabed matters</p> <p>What does the applicant further propose to fill in the evidence gaps referred to by NE/MMO towards the Kentish Knock East Marine Coastal Zone?</p> <p>On 8 January, the Office for Environmental Protection Investigation (OEP) announced that it was launching an investigation into a suspected failure by Defra to take the necessary measures to achieve Good Environmental Status (GES) of marine waters by the statutory deadline of 31 December 2020, as mandated by regulation 4(1) of the Marine Strategy Regulations 2010. Additionally, Defra did not provide an updated report on the UK Marine Strategy by 20 December 2024, nor did it issue a formal assessment confirming whether the 2020 deadline was met. The OEP's investigation, conducted under section 33(2) of the Environment Act 2021, seeks to ensure accountability for the suspected failure and, if confirmed, secure a comprehensive plan to achieve GES as soon as possible. On 29 January, Defra published an updated Marine Strategy Part Three: 2025 UK Programme of Measures. strategy</p>	<p>The MMO defers to NE as the relevant SNCB in relation to Marine Protected Areas (MPAs) and any required compensation.</p> <p>The MMO is reviewing the information on Marine Conservation Zones (MCZs) in relation to the requirements for protection under the Marine and Coastal Access Act 2009 (MCAA).</p> <p>In relation to point iii – the MMO would suggest Defra are contacted in relation to this point, but the MMO is reviewing this information and may provide addition comments at Deadline 6.</p>

ExQ2	Question to:	Question:	MMO Response
		<p>outlining the measures to achieve GES in UK seas. Several of the measures referred to are still in the process of being development, and where there are uncertainties or knowledge gaps, the strategy sets out plans to address these gaps. Is the applicant aware of this background? Applicant/MMO. Does the applicant need to address these context in further detail relative to the ES? Or adapt any of its mitigation provision accordingly?</p> <p>The ExA also notes that NE has updated the Margate and Long Sands SAC condition assessment (January 2025) which has determined the site to be in unfavourable condition due to existing anthropogenic pressures on the designate site feature. This is key context the ExA is drawing attention to. According to NE Risk Register Point P7 there is insufficient evidence of the potential worst case area of impact of impact on benthic communities within the MLS SAC. What is the applicant's most up to date position? The ExA acknowledges the presence of reef-forming ross worm (<i>Sabellaria spinulosa</i>) in the vicinity, which when formed as a reef qualifies as an Annex I habitat (biogenic reef). Areas of high <i>S. spinulosa</i> density support a diverse attached epifauna of bryozoans, hydroids, sponges and tunicates, and additional fauna including polychaetes, bivalves, amphipods, crabs and lobsters.</p> <p>NE/MMO/applicant/Essex Wildlife Trust - Is any form of benthic/marine related compensation warranted/anticipated? If so, what should that comprise of?</p>	
10.0.13	MMO, NE, the Applicant, Essex Wildlife Trust Essex County Council/Tend	Marine Environment/ Deemed Marine Licensing/dDCO Essex Wildlife Trust (EWT)/Councils - the "Working in Proximity to Wildlife Plan" (is referred to by EWT's Relevant Representation). Firstly, the ExA request this document is submitted to the examination and secondly, can	<p>ii) MMO is content with this.</p> <p>iii) The MMO noted in REP4-079 that there is control to not approve a Site Integrity Plan (SIP) document too early. As part of the SIP process the MMO generally does a call for information 8-6 months prior to the summer season and</p>

ExQ2	Question to:	Question:	MMO Response
	ring District Council	<p>EWT/relevant Essex Council's indicate the status/weight of this document/role in local decision making?</p> <p>EWT/NE advise that the applicant should commit to specific mitigation measures, particularly NAS, in the MMMP. The MMO acknowledges that EWT consider that this should sit alongside a Working in Proximity to Wildlife Plan to reduce the risk of disturbance from ships, boats and other vessels and the risk of them colliding with marine mammals. Can EWT clarify why the inclusion of the document is an important? Secondly, what is the applicant's most up to date position to these points?</p> <p>MMO/NE's concerns regarding overlap with the dDCO requirements/Deemed Marine Licences are relevant in that it is alleged they are not accurately capturing all the required maximum parameters of the proposed works and submits that the applicant should update the DCO and DMLs to ensure maximum parameters of all important metrics are appropriately secured. Can the applicant guarantee/signpost/update/provide further evidence maximum parameters "are" addressed or "can be" addressed?</p> <p>Applicant. The Site Integrity Plan Condition is advised to be no sooner than 9 months and no later than 6 months owing to in-combination impacts. – Is the applicant in agreement to ensure that formally? If so, signpost the alteration(s).</p> <p>MMO. In relation to requirements to cease works should noise impacts be exceeded, how is this achieved/regulated?</p> <p>NB:- The MMO agreed that a key mitigation for marine mammals should be included in the condition wording for the DML is that piling activity must cease in the event that the monitoring highlights that noise impacts are in excess of the predicted impacts. The MMO was said to be reviewing the</p>	<p>therefore this would fall into the timescale NE has requested. The MMO may occasionally receive/request information earlier than this but it would be unable to discharge the full document prior to the call for information and review of the in-combination impact.</p> <p>iv) In relation to ceasing, the Applicant and contractors when reviewing the data while the work is being undertaking can identify if there is a higher impact than predicted. On this occasion they would stop work and contact the MMO who would discuss with them the cause and any additional mitigation required.</p> <p>In relation to the condition, the MMO is still reviewing this condition – please see comments to question 9.2.9.</p> <p>v) This is secured through construction method statement (Condition 21 (b)). The design would set out what their plan is in pre-consent documents. The Marine Mammal Mitigation Plan (MMMP) and SIP would have further details about mitigation</p> <p>vi) The MMO's general position is, if the specifics of monitoring are provided, this will be on the face of the DML in the pre-construction, construction and post-construction conditions. Any other monitoring can be included thought the IPMP.</p> <p>There have been a number of standard conditions that are on DMLs in relation to monitoring, these are being reviewed to see if there is a better wording however that will not be in time for this Examination. The MMO is</p>

ExQ2	Question to:	Question:	MMO Response
		<p>Condition. Are the MMO now content dDCO/DML wise? Please clarify.</p> <p>Applicant/MMO. Would the MMO be notified formally over which piling method is to be up taken in advance of any commencement independent of DML provision? And by which mechanism dDCO/DML would that be achieved? MMO/applicant. In relation to the technical requirements/conditions for species specific “monitoring” of benthic ecology/fish and shellfish/marine mammals & birds overall and other related matters. Briefly explain if they would/should be independent/interdependent of dDCO requirements/articles covered in the content of any DML or other Licensing mechanisms or vice versa? The applicant is asked to review the approach in the recent Rampion 2 SoS Decision in relation to the administration of the dDCO/DMLs that was secured toward ecology on a species specific level and amend its approach where necessary.</p> <p>Applicant/MMO/NE. With respect to monitoring. Does the monitoring strategy need to be further tailored given piling methodology changes or any other interests/technicalities at this stage? Can the applicant explain what is intended/options are available and via Adaptive Monitoring with respect to marine wildlife and signpost where it is presently secured? Adjust where necessary. (NB: the ExA acknowledges IPMP [APP-245] outlines the monitoring which would inform mitigation requirements. The detailed methodology for the monitoring presently states it would be developed post consent, in consultation with NE and agreed with the MMO).</p>	<p>reviewing the Rampion 2 document and will provide comments at Deadline 6 after review of the Applicant's comments.</p> <p>vii) Adaptive management for monitoring is referred to in the in-principle monitoring plan. The MMO has asked for an adaptive management condition for the process of what is required.</p> <p>In relation to noise monitoring as the noise abatement/reduction system has not been agreed, the required monitoring for this cannot be agreed at this stage therefore the MMO is content this can be agreed upon the final design through the IPMP. Noting that the Applicant will need to ensure there is enough finances/procurement time to enable deployment of monitoring.</p>
10.0.14	The Applicant, MMO	<p>Outline Decommissioning Plan</p> <p>The MMO based on its submissions understands that there is a requirement for a decommissioning programme to be submitted to the Secretary of State (SoS), however they</p>	<p>The MMO is in agreement and requests that an Outline Decommissioning Plan is provided during the examination for review.</p>

ExQ2	Question to:	Question:	MMO Response
		believe that an outline plan with decommissioning information should be provided at this stage. (This could be achieved by following the OEUK 'Designing for Decommissioning of Offshore Wind' guidelines and assessing decommissioning based on available technologies now and not in the future). Given there may be potential overlap to HRA assessment overall, the ExA requests an Outline Decommissioning Plan is provided during the examination to reduce uncertainty.	
10.0.17	The Applicant, NE, MMO, Essex County Council/ Tendring District Council, RSPB/National Trust, IPs	<p>Overall HRA derogation/Ecological Compensation/Schedule 15 Wording</p> <p>The ExA notes the applicant's point that in the Secretary of State's decision letter (DESNZ, 2024) for the Sheringham Shoal Extension Project and Dudgeon Extension Project (SEP & DEP), it is stated that "The Secretary of State agrees with the applicant and NE that strategic compensation represents the best option for delivering compensation for impacts of OWFs. Given all relevant technical disputes with Natural England/MMO (as statutory consultees) as well as other representations such as from the National Trust and the RSPB combined -mixed with the risks/uncertainty of other scheme outcomes the ExA acknowledge these are important examination factors.</p> <p>NE/MMO – a) Does any further HRA related derogation case (without prejudice or otherwise) above what is already provided in the examination material need to be addressed by the applicant? b) Secondly, does any other designated site/species specific compensation measure need to be requested from the applicant? For the avoidance of any doubt please confirm if there is any omission presently or not having regard to all marine life and related protected sites.</p>	The MMO has no further comment at this stage regarding the Marine Recovery Fund and defers to NE the relevant SNCB regarding the HRA, Derogation and Ecological Compensation.

ExQ2	Question to:	Question:	MMO Response
		<p>Applicant. How can the ExA be satisfied compensation measures can be in place before any negative effect on a European site or sites begins given there is no control over when MRF funding systems will become functional nationally?</p> <p>Applicant. Expanded Schedule 15 compensation wording was requested from the applicant by the ExA during the recent Issue Specific Hearings for the proposal. Please provide that if not already undertaken. For without prejudice Schedule 15 wordings dealing with compensation purposes to be provided, the ExA notes that the definition of 'relevant planning authority' (which could be taken as meaning Tendring District Council, or any successor planning authority) may not be adequate to ensure the inclusion of any existing strategic nature board or all relevant Councils. Does the applicant intend to cover this issue?</p> <p>IPs. The UK Government 29 January issued interim guidance for the Marine Recovery Fund (MRF), a mechanism designed to support strategic compensation measures for offshore wind activities that impact marine habitats. The guidance provides information on ornithological and benthic compensation measures available in the Library of Strategic Compensation Measures. It serves as a resource for offshore wind developers to reference appropriate compensatory strategies prior to the MRF becoming fully operational. Do NE/RSPB/MMO Local Councils/IPs have any other views on the potential adequacy compensatory measures overall? Is there anything else that should be included to ensure effectiveness/the most suitable delivery outcomes?</p>	
Socio-economic Effects			
16.01	MMO	Commercial Fisheries – sufficiency of mitigation	The MMO will provide a response to this question at Deadline 6.

ExQ2	Question to:	Question:	MMO Response
		<p>For commercial fisheries, could the Marine Management Organisation (MMO) advise:</p> <p>Has the mitigation shown in ES Chapter 14 Commercial Fisheries [APP-028] Table 14.4 and ES Chapter 11 Fish and Shellfish Ecology [APP-025] Table 11.3 been designed sufficiently to enhance where reasonably possible any potential medium and long-term positive benefits to the fishing industry, commercial fish stocks and the marine environment?</p> <p>Whether there are any additional mitigation measures and/or safeguards necessary, to include project alone and cumulative effects?</p>	

2. Comments on Applicant's Response to Deadline 3 Submissions and Deferred Responses from Deadline 2 [REP4-027]

2.1 REP3-056_a – Responses to Examiner's Questions (ExQ1) Q9.1.3

2.1.1 The MMO has no further comments on this.

2.2 REP3-056_b – Responses to Examiner's Questions (ExQ1) Q9.1.7

2.2.1 The MMO has further addressed this comment in its response to ExQ2 above (9.0.3).

2.3 REP3-056_c – Responses to Examiner's Questions (ExQ1) Q9.2.4

1.1 The MMO is content with the amendments to Condition 10 (8) of Schedule 8, Condition 11 (4) of Schedule 9 and Condition 11 (4) of Schedule 10 to include the total volumes of drill arising under the licence.

2.4 REP3-056_d – Responses to Examiner's Questions (ExQ1) Q10.2.4

2.4.1 The MMO notes the comments by the Applicant and has no further comments.

2.5 REP3-056_e – 9.4.1 Schedules 8-10 DMLs

2.5.1 The MMO notes the comments by the Applicant. The MMO position remains unchanged, and the position remains not agreed.

2.6 REP3-056_f – Q9.4.2 Condition 12 Maintenance of the authorised development

2.1 The MMO notes the comments by the Applicant. The MMO position remains unchanged, and the position remains not agreed.

2.7 REP3-056_g – Q9.4.3 Condition 21 Pre-construction plans and documentation

2.7.1 The MMO will review the draft outline Cable Specification and Installation Plan submitted at Deadline 4 and will provide further comments at Deadline 6.

2.8 REP3-056_h – Q9.4.5 - Condition 21 Pre-construction plans and documentation

2.8.1 The MMO has addressed this comment above in its response to the ExQ2 questions – 10.0.13.

2.9 REP3-056_i – Q10.1.8 - Offshore Construction Monitoring

2.9.1 The MMO has addressed this comment above in its response to the ExQ2 questions – 10.0.3.

2.10 REP3-056_j – Q10.1.10 - Offshore Construction – winter piling

2.10.1 The MMO has no further comments on this point at this stage.

2.11 REP3-056_k – Q 15.1.12 - Further mitigation required for recreational craft

2.11.1 The MMO is content with the comments made by the Applicant and the Royal Yachting Association (RYA) on this matter. The MMO has no further comments.

2.12 REP3-056_l – 3.1 Shellfisheries

2.12.1 The MMO notes the comments by the Applicant. The MMO has no further comments.

2.13 REP3-056_m – Decommissioning

2.13.1 The MMO notes the comments raised by the Applicant and has addressed decommissioning above in its response to the ExQ2 questions - 10.0.14.

2.14 REP3-056_n – Schedule 2 Requirement 1 – Time limits/Lifespan

2.14.1 The MMO notes the response by the Applicant. The MMO may provide further comments in due course.

2.15 REP3-056_o – Condition 19 (1) Chemicals

2.15.1 The MMO provided further background and clarity to the Applicant on 15 May 2025 during a meeting with the Applicant and the position remains not agreed.

2.16 REP3-056_p – Condition 27 Adaptive Management

2.16.1 The MMO provided further background and clarity to the Applicant on 15 May 2025 during a meeting with the Applicant and this is an ongoing discussion.

2.17 REP3-056_q – Condition 29 (1) Marine Noise Registry

2.17.1 The MMO welcomes amendments made by the Applicant to the drafting of Schedule 8 and 10, Condition 29 (1) and Schedule 9, Condition 30 (1) in the draft DCO, to incorporate the MMO's recommended changes.

2.18 REP3-056_r – 5.1 Maritime and Coastguard Agency (MCA)

3.1 Regarding proposed condition 19 (10)(c), the MMO justifies the proposed change from 'removed from the seabed' to 'removed from the marine environment', as some objects may be floating or within the marine environment and not touching the seabed, but are still considered a hazard e.g. hydrophones.

2.19 REP3-056_s – 5.2 Historic England (HE)

2.19.1 The MMO has reviewed the response by the Applicant at Deadline 3 [REP3-037] in response to REP2-039n and has no further comments at this stage.

2.20 REP3-056_t – 5.4 Natural England (NE)

2.20.1 The MMO notes the comments by the Applicant and has no further comment. The MMO defers to NE on matters relating to Marine Protected Areas (MPAs).

3. Comments on the Offshore In-Principal Monitoring Plan [APP-245]

3.1 Comments in Relation to Benthic Ecology

3.1.1 The MMO is broadly satisfied with the information provided in the Offshore In-Principal Monitoring Report (IPMP). The proposed approach to surveying biogenic and geogenic reef features, whereby potential reef features are identified through geophysical survey, and their presence and extent are verified through acquisition of seabed imagery, appears robust and the survey programme(s) with detailed methods will be provided to MMO in advance of survey operations for review and agreement.

3.1.2 The MMO notes that the Applicant proposes to conduct grab sampling at potential reef features should underwater visibility prevent the collection of adequate imagery. However, the MMO would recommend that a freshwater lens style camera system is sourced and used when underwater visibility prevents the use of a more standard drop-down video system. While a suitable device, such as the Hamon grab, may collect and retain representative samples of the seabed from coarser sediments, sampling geogenic 'stoney' reefs using grabs may result in limited success, returning excessive 'no samples'. Furthermore, deploying a suitable grab to collect physical samples from biogenic reefs could be destructive and may affect the results of any subsequent post-construction assessment of their condition.

3.1.3 Within Section 5.5 of the In-Principle Monitoring Plan, the Applicant discusses post-construction benthic monitoring whereby 10% of the Wind Turbine Generator (WTG) foundations are proposed to be surveyed (grab sampling) to assess change from the pre-construction condition and the MMO welcomes this assessment.

4.1 The Applicant has proposed to combine engineering related monitoring with environmental survey and monitoring, and the MMO welcomes this approach. The MMO recommends that the Applicant assesses imagery from engineering related infrastructure monitoring (e.g., WTG imagery from Remotely Operated Vehicle survey), in addition to the proposed grab sampling, to determine the presence of large, easily identified, Invasive Non-Native Species (INNS) that may colonise WTG infrastructure.

3.1.4 Furthermore, the MMO would recommend the Applicant considers collecting scrape samples from built infrastructure e.g., at the same 10% subset of WTGs, or deploying settlement plates for subsequent assessment, to determine the composition of the colonising assemblage.

3.1.5 It is the MMO's understanding that the Applicant proposes to monitor the condition of Project infrastructure to assess flaking paint. The MMO encourages the Applicant to include details of this proposed assessment in the post-construction monitoring plan and to consider collecting sediment samples, to retain for subsequent analysis, to determine a baseline for the amount of sediment bound microplastics prior to construction.

3.2 Comments in Relation to Fisheries

3.2.1 The Offshore In-Principle Monitoring Plan does not propose any monitoring or independent surveys for fish and shellfish ecology receptors. The MMO is generally content with this as the key fish ecology receptors which are sensitive to proposed works are herring and sandeel. Whilst sandeel are sensitive to habitat disturbance as a result of construction works, in the MMOs previous advice it agreed with the Applicant's overall impact assessment conclusion that impacts to sandeel were likely be temporary, localised to the boundary of the OWF array site, and would not anticipate significant impacts on sandeel at the population level. The MMO remains content with this assessment and so would not expect to see any monitoring proposed with regard to sandeels.

3.2.2 With regard to herring, the MMO is supportive that if piled foundations are used in the final project design, then underwater noise monitoring of the first four piles of each piled foundation type will be undertaken, and that the methods of such monitoring will be agreed with the MMO prior to construction. This is consistent with monitoring employed at other offshore windfarms. Specific monitoring is not required with respect to herring as the Applicant has accepted a temporal piling restriction during the Downs herring spawning season.

3.2.3 Although not a form of monitoring, the Applicant's commitment to a piling restriction framed as "restricting piling activities during a suitable period of time between the 1st November and 31st January" remains unacceptable. This was raised in the MMOs previous advice at Deadline 3.

3.2.4 The MMO has reviewed the Sandeel and Herring Habitat Heat Mapping clarification note submitted by the Applicant at Deadline 3 (REP3-047) and note that this document does not temporally refining the restricted period.

3.2.5 The phrasing that piling will only be restricted for a 'suitable period of time' between the 1st of November and 31st January, does not define when, or for how long, the restriction will be implemented. This leaves the commitment open to exploitation in that it could be fulfilled by restricting piling for only a few weeks during the three-month spawning season, when a restriction covering the full spawning season is the only appropriate implementation until further evidence is provided. The MMO therefore maintains its recommendation that this restriction is embedded in the marine licence and the DCO as the period of the recommended piling restriction should be from the 1st November to 31st January, inclusive, which the MMO is aware the Applicant has agreed.

3.2.6 If the Applicant wishes to pursue a temporal refinement in the piling restriction, i.e. for a shorter period than 1st November – 31st January, then they will need to provide further data and evidence to justify why piling during this period would not impact spawning herring. This usually takes the form of a back-calculation exercise using at least 10 years of International Herring Larval Survey (IHLS) data. In order to temporally refine this period of restriction, the Applicant should provide a suitable 'heat' map of potential herring spawning habitat alongside or overlaid with the UWN contours for the range of behavioural impact from piling based on the 135dB single strike sound exposure level (SELss) behavioural response threshold as per Hawkins *et al.* (2014). If the Applicant wishes to pursue a spatial refinement in the piling restriction then as per previous advice at Deadline 3, the Applicant needs to provide a suitable 'heat' map of potential herring spawning habitat, ideally following Kyle-Henney *et al.* (2024) (MarineSpace, 2013 would be acceptable) overlaid with the 135 dB single strike sound exposure level (SELss) modelled noise contour overlaid, which will provide an indication of the range of impact for behavioural responding herring, as per Hawkins *et al.* (2014). This heat map is required to provide a spatial understanding of how far the noise disturbances extends, i.e. how much the noise contours overlap the herring spawning ground.

3.3 Comments in Relation to Shellfisheries

- 3.3.1 The MMO is satisfied with the monitoring plan in relation to shellfish. The Applicant has noted that no residual effects greater than minor adverse have been identified in the ES, no concerns in relation to this have been raised in previous shellfish advice. Therefore, no monitoring is proposed in relation to shellfish ecology.
- 3.3.2 As noted in previous advice at Deadline 3, while monitoring is not required, the MMO recognises the importance of noting and examining issues raised with the Fisheries Liaison officers. Evidence for the impacts on shellfish in relation to offshore wind farms is limited and therefore any feedback provided will support any evidence bases for future ES predictions and improve the success of mitigation measures.

3.4 Comments in Relation to Marine Physical Processes

- 3.4.1 The IPMP sets out general guiding principles for the monitoring in Section 3, including that it should be 'necessary, relevant, enforceable, precise and reasonable'. The document (paragraph 29, Section 5.3) also notes that "No residual effects greater than negligible were predicted within the ES Chapter 8 Marine Geology, Oceanography and Physical Processes (Document Reference: 3.1.10)". Monitoring is therefore mostly 'necessary and relevant' for ensuring that these impact assessments can be shown to have been adequate.
- 3.4.2 The Applicant proposes (paragraph 30) to conduct swath bathymetry surveying within the DCO limits for monitoring, informing both coastal process impact and benthic habitats monitoring needs. This is a standard method and entirely typical for this type of development. More detailed, higher-resolution surveys will also be carried out at installation locations.
- 3.4.3 Together these surveys will allow for detection of direct impacts (construction-phase sediment disturbance and post-installation development of scour) and for some interpretation of post-construction residual impacts on sediment bed processes i.e., whether projected sandwave reformation is occurring.

- 3.4.4 There are limits to the scope of the monitoring e.g., the proposed monitoring is largely confined to the development order limits and so no direct data will be obtained on potential downstream impacts. It is standard practice to infer these from the monitoring within the development; there remains, therefore, a small risk of unseen impacts on large-scale physical process systems. However, as per the conditions for 'reasonable, precise and enforceable' monitoring, it is very unlikely that any such impact could be detected and demonstrated unequivocally to be a consequence of the development using any more extensive monitoring programme.
- 3.4.5 The MMO notes that further development of specific detailed plans will be conducted post-consent and in consultation with the relevant statutory bodies. Table 5-1 of the In-Principal Monitoring Plan [APP-245] gives several reasons for monitoring, but the monitoring proposal itself suggests that post-construction monitoring is largely to be targeted toward sites with highest potential for scour, which indicates the primary focus is impact verification on the development itself, rather than the wider environment. However, the reasons for monitoring listed in Table 5-1 [APP-245] are sufficient to capture coastal process concerns.
- 3.4.6 Should the specified impacts around the development itself (that are covered by the plan) be found to deviate from and substantively exceed the assessments in the ES, then the monitoring may need to be expanded to assess whether wider impacts are also underestimated.

4. Comments on Applicant's Response to the Marine Management Organisation Additional Submission [AS-051] [REP4-027]

Draft DCO DML

4.1 AS-051_a – MMO-65

- 4.1.1 The MMO notes the comments by the Applicant. The MMO position remains unchanged, and the position remains not agreed.

4.2 AS-051_c – MMO-67

- 4.2.1 The MMO welcomes the amendment to Schedule 8 and 10, Condition 15(1) and Schedule 9, Condition 16(1) to remove subparagraph (1), as requested by the MMO.

4.3 AS-051_d – MMO-68

- 4.3.1 The MMO notes the comments by the Applicant. The MMO position remains unchanged, and the position remains not agreed.

4.4 AS-051_e – MMO-70

- 4.4.1 The MMO welcomes the amendments to the condition made by the Applicant. The MMO would prefer the wording be updated to require notification 10 days prior/within 10 days, the MMO is content it can remain as 14 days and has no further comments.

4.5 AS-051_f – MMO-72

4.5.1 The MMO notes the comments by the Applicant. The MMO position remains unchanged, and the position remains not agreed.

4.6 AS-051_g – MMO-75

4.6.1 The MMO has provided a response to this above [REP3-056_o].

4.7 AS-051_h – MMO-77

4.7.1 The MMO has provided further clarification on this point in 9.2.8 above. The MMO will provide a further update on this question once it has reviewed the updated site characterisation report.

4.8 AS-051_i – MMO-82

4.8.1 The MMO notes the comments by the Applicant. The MMO position remains unchanged, and the position remains not agreed.

4.9 AS-051_j – MMO-83

4.9.1 The MMO notes the comments by the Applicant. The MMO position remains unchanged, and the position remains not agreed.

4.10 AS-051_k – MMO-90

4.10.1 The MMO maintains its position as set out in the Statement of Common Ground submitted at Deadline 4.

4.11 AS-051_l – MMO-100

4.11.1 The MMO welcomes the updates to the Outline Fisheries Liaison and Coexistence Plan submitted at Deadline 4 and will review and provide comments at Deadline 6.

4.12 AS-051_m – MMO-106

4.12.1 The MMO has provided comments on the In-Principal Monitoring Plan above in Section 3.

4.13 AS-051_n – MMO-132, AS-051_o – MMO-133, AS-051_q – MMO-163

4.13.1 The MMO has reviewed the PCB results in the requested MMO template received on 18 February 2025 and provided comments at Deadline 4 [REP4-079].

4.14 AS-051_p – MMO-159

5.1 The MMO notes the Applicant's response, the MMO maintains its position that the inclusion of this sampling would show a positive gesture to demonstrate that the industry is taking steps to identify, understand and, potentially, reduce the impact should it materialise to be associated with the offshore renewables development. The MMO position remains unchanged.

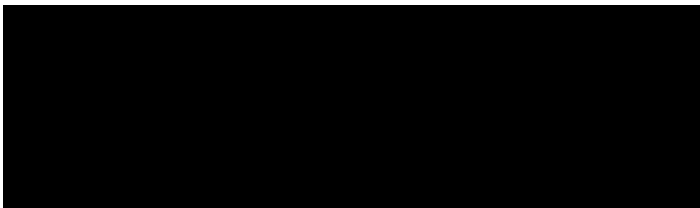
4.15 AS-051_r – MMO-164

4.15.1 The MMO welcomes the commitment by the Applicant to a piling restriction to cover the Down herring spawning period from 1st November to 31st January. The MMO would be happy to discuss wording for the final condition in the upcoming meeting with the Applicant on 11 June 2025. The MMO will provide further comments at Deadline 6.

4.16 AS-051_s – MMO-194

4.16.1 The MMO welcomes this comment by the Applicant that clarification will be added to the final version of the MMMP and may provide further comments once the MMO has reviewed the final version of the MMMP.

Yours Sincerely,



Marine Licensing Case Officer

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