



Maritime &
Coastguard
Agency

Maritime and Coastguard Agency

UK Technical Services Navigation

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30th May 2025

Your ref: EN010119

Dear Sir/Madam

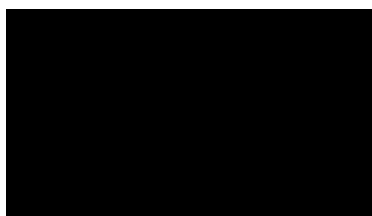
Application by North Falls Offshore Wind Limited for an Order Granting Development Consent for the North Falls Offshore Wind Farm.

The Examining Authority's written questions and requests for information (ExQ2)

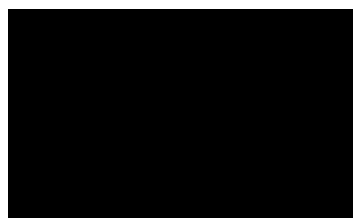
Examination Timetable – Deadline 5

Thank you for inviting the Maritime and Coastguard Agency (MCA) to provide additional information to the Examining Authority as part of its assessment of the proposed generation assets for the North Falls Offshore Windfarm project. The MCA would like to submit the table below in response to the second written questions (ExQ2) at deadline 5.

Yours faithfully,



Nautical Licensing Lead
UK Technical Services Navigation



Offshore Renewables Project Lead
UK Technical Services Navigation



Question and reference	MCA Response
<p>Q9.1.12 Other matters relating to dDCO requirements - Removal of Galloper Recommended Route</p> <p>The MCA's position is that a requirement/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. At the ISH2 the applicant's stated position was that this condition is not required. The ExA seeks the following further information in relation to the use of the route and the legal consequences, if any, of not formally removing it prior to the commencement of development.</p> <ul style="list-style-type: none">(i) Under what existing powers or rights could shipping vessels continue to use the Galloper Recommended route up to the point when the removal would be in force?(ii) If offshore construction of the wind farm commenced that directly interacted with the Galloper Recommended Route in advance of the removal of the route, could any UK and/or international body enforce the route remaining open to shipping vessels and what form of enforcement action could be taken?(iii) If the DCO was granted in accordance with the relevant NPS without the MCA's proposed condition of consent, could that potentially lead to either the United Kingdom being in breach of any of its international obligations or the	<p>(i) The Galloper Recommended Route was adopted by the International Maritime Organization (IMO) during the 82nd session of the Maritime Safety Committee (MSC) as per IMO circular COLREG.2/ Circ.58 Annex II. This relates to the New traffic separation schemes in the Sunk area and in the northern approaches to the Thames Estuary and states that; "<i>Galloper</i>" <i>recommended route in the south-east sector of the scheme to enable regular ferry traffic sailing to and from the Port of Ostend to enter and leave the SUNK Outer Precautionary Area without deviating unnecessarily to use traffic separation lanes</i>". As this route was adopted by IMO, the Galloper recommended route is considered a recognised sea lane under Article 22 of the United Nations Convention on the Law of the Sea (UNCLOS), which permits coastal states to designate sea lanes within their waters, provided they are adopted by the competent international organisation, in this case the IMO.</p> <p>Furthermore, under the Safety of Life at Sea (SOLAS) Convention Ch. V Reg 10(7)- "<i>A ship shall use a mandatory ships' routeing system adopted by the Organisation as required for its category or cargo carried and in accordance with the relevant provisions in force unless there are compelling reasons not to use a particular ships' routeing system. Any such reason shall be recorded in the ships' log</i>". The recommended route is charted on relevant official nautical charts</p>

	<p>SoS being in breach of any duty imposed by or under any enactment as per s104(4) and (5) of the PA2008?</p>	<p>and included in the IMO Ships Routing Guide. Until any formal removal or amendment is in place, any vessel operating in the area may continue to use this route as it remains an IMO adopted recommended route.</p> <p>(ii) Under Article 60(7) of UNCLOS it states- <i>“Artificial islands, installations and structures and the safety zones around them, may not be established where interference may be caused to the use of recognised sea lanes essential to international navigation”</i>. As per the above explanation, the Galloper Recommended Route is an IMO adopted ships’ routeing measure, established to facilitate safe and efficient navigation in the Thames Estuary region. As such, it is considered a recognised sea lane.</p> <p>The UK, as a coastal and flag state, is expected to ensure its vessels and offshore activities comply with UNCLOS. Failure to do so could lead to international scrutiny. Also, as per SOLAS CH V Reg 10(6)- <u>Contracting Governments shall adhere to the measures adopted by the Organisation concerning ships’ routeing. They shall promulgate all information necessary for the safe and effective use of adopted ships’ routeing systems. A Government or Governments concerned may monitor traffic in those systems. Contracting Governments shall do everything in their power to secure the appropriate use of ships’ routeing systems adopted by the Organization.</u> Therefore, if the DCO was granted without the condition and structures were built impeding the routeing measure, we would be in breach of UNCLOS Article 60 (7) and SOLAS CH V Reg 10.</p> <p>It is also important to note that the Applicant was informed of the constraints associated with the Galloper Recommended Route throughout the planning process. At the request of the navigational consultants, the MCA provided indicative timelines expected for any</p>
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		<p>potential application to remove or amend the route on several occasions prior to submission.</p> <p>(iii) As explained in responses (i) and (ii) above, the Galloper recommended route remains an IMO adopted routeing system and constitutes a recognised sea lane used for international navigation. Therefore, we are of the opinion that the DCO, if granted, should include the condition as proposed by MCA. This condition would ensure that the formal removal of the Galloper Recommended route is confirmed before commencement of any offshore construction that would directly interact with the IMO adopted route. Failing to do so would in our opinion be inconsistent with the requirements of the National Policy Statement EN-3 Section 2.8.326 and subsequently Sections 104(4) and (5) of Planning Act 2008.</p>
Q9.2.1	<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>	<p>The MCA has reviewed the dDCO (Rev 5) [REP4-004] Condition 12 (3) of Schedules 8 and 10 and Condition 13 (3) of Schedule 9. The revised wording now ensures that any reduction in navigable depth resulting from cable protection replenishment works, where such reduction exceed 5% of the navigable depth in relation to Chart Datum, will be brought to the attention of the MCA for further consultation before commencement of works. The MCA is content with the amendments, as they provide an appropriate safeguard to ensure navigation safety is maintained and any impact on navigation is subject to regulatory oversight before implementation.</p>
Q9.2.5	<p>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.</p>	<p>The MCA welcomes the amendments made by the applicant to Condition 19 (10) of Schedules 8 and 10 and Condition 20 (10) of Schedule 9, which relate to debris and dropped objects. The MCA confirms that these amendments are acceptable and that its concerns on this matter are now considered fully resolved.</p>

Q15.0.2	<p>Interference with the use of recognised sea lanes essential to international navigation</p> <p>Under Agenda item 3.4.2 in the applicant's Written Summary of Oral Submissions made at the Issue Specific Hearing 2 (ISH2) [REP4-034] it states: <i>“Mr McGovern stated that the applicant was happy to meet with the MCA and would expand on points made by Mr Foster in written submissions. He further added that in the applicant’s submission the route come under the scope of NPS-EN3 paragraph 2.8.330, being a less strategically important route, as the route is no longer in active use, and therefore this is a circumstance where which Secretary of State should take a pragmatic approach to the potential impacts of the project.”</i></p> <p>(i) For the case where the Galloper Recommended Ferry Route would be formally removed, could the MCA confirm whether they consider that interference with the use of recognised sea lanes essential to international navigation is likely to be caused by the development?</p> <p>Could the MCA also advise whether they consider the Galloper Recommended Ferry Route to be a less strategically important route as defined in paragraph 2.8.330 of the NPS for Renewable Energy Infrastructure (EN-3)?</p>	<p>(i) The MCA confirms that it met with the Applicant prior to the submission of this response to clarify its position. This position is consistent with that set out under agenda Item 3.4.2 of [REP4-034]. Whilst we acknowledge the applicant’s observation that the Galloper Recommended route is no longer used by ferries operating to Oostende, it remains in use by other vessels as evidenced in Fig 10-53 of Appendix 15.1 Navigational Risk Assessment Part 2 of 3 [APP-107] submitted by the applicant. Therefore, we consider the Galloper Recommended Route to be a recognised sea lane currently in use for international navigation. As long as the route is IMO adopted, is in use, and is depicted on relevant navigational charts, MCA will consider any obstruction or impediment to this route as a hard constraint in line with Annex 2 of MGN 654- Offshore Renewable Energy Installations (OREIs) - Guidance on UK Navigational Practice, Safety and Emergency Response.</p> <p>Although the route may be considered of reduced strategic importance, it nonetheless retains its status as a recognised sea lane adopted by the International Maritime Organisation and currently in use for international navigation as explained above. Therefore, the MCA is of the opinion that the condition requiring the removal of the scheme should be included in the DCO. This is necessary to ensure minimum interaction and interference with a recognised sea lane still in use for international navigation.</p>
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