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15 July 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 (ExQ3)

Examination Timetable – Deadline 7

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 wind farm project. We would like to submit the following response to the third written questions (ExQ3) and provide comments on additional information provided by the Applicant.

Written Questions (ExQ3)

Question and reference	MCA Response
<p>15.0.2 Without Prejudice Proposed DCO Requirement – Galloper Recommended Route</p> <p>With reference to the above document [REP6-068], could the MCA provide their view on whether or not they would be able to accept the Applicant's proposed DCO requirement in respect of the Galloper Recommended Route, which has been submitted on a without prejudice basis.</p>	<p>MCA has reviewed the proposed condition and we would like to make amendments to both parts before we are able to accept it, as follows:</p> <p><i>(1) Unless otherwise agreed by the Secretary of State in consultation with the MCA, the undertaker must not commence any part of Work No. 1 or Work No. 2 unless the NCSR3 has adopted a resolution recommending or approving the minor amendment to the "Sunk area traffic routeing scheme" until the Maritime Safety Committee (MSC) has ratified the proposal to remove the Galloper Recommended Route.</i></p> <p>Reason: Approval from the IMO is a two-stage process. It is first discussed by the Experts Group on Ships Routeing during the IMO's sub-committee on Navigation, Communication and Search and Rescue (NCSR). If no objections are received it is recommended for ratification by the Maritime Safety Committee (MSC). Once accepted by the MSC the removal will be in force within 4-6 months. The Applicant's draft omits the second part of the approval process where the removal of the routeing measure is secured once it has been accepted by the MSC.</p> <p><i>(2) Unless otherwise agreed by the Secretary of State in consultation with the MCA, the undertaker must not install any surface-piercing infrastructure forming part of Work No. 1 or Work No. 2 until the MSC has adopted a resolution for or otherwise endorsed the minor amendment to the "Sunk area traffic routeing scheme" to remove the Galloper Recommended Route has come into force.</i></p> <p>Reason: Once a routeing measure amendment has been accepted by the MSC, a period of 4-6 months is required to ensure all navigational charts and nautical publications are updated. Construction of any surface piercing infrastructure must not commence until all necessary safety</p>

		information has been published and mariners are made aware that the Recommended Route has been removed.
15.0.3	<p>Applicant's Response to ExA's Request for further information (Rule 17) - Galloper</p> <p>With reference to the above document [REP6-063], could the MCA advise if they have any comments or concerns regarding the Applicant's responses.</p>	<p>The Galloper Recommended Route (IMO routing measure) is available for use by all vessel types and other vessel types do use the route. Regarding PD-015c of the Applicant's response to ExA's Request for further information (Rule 17), the Princess Elisabeth project does not interact directly with the Galloper Recommended Route. As the UK's representative at IMO MCA has not been, and would not expect to be, approached for formal approval of the removal of the Galloper recommended route as part of the Princess Elisabeth Island project.</p>
15.0.5	<p>Crossing the port channels with the cable burial tool</p> <p>With reference to the applicant's response [REP5-054] to Q7.04 (ii), the applicant states:</p> <p><i>"With regards to the PLA comments, it should be noted that there are two deep water routes (Sunk and Trinity) into the London ports. The Outline Navigation and Installation Plan (oNIP) [REP4-011/012] prevents concurrent working across both access routes by the relevant projects (i.e. North Falls, Five Estuaries and SeaLink), thereby always giving one access route into/ exit route from the ports. Further to this, the expected time for crossing the port channels with the cable burial tool will be of the order of 1.5-2 days. Therefore, the potential socio-economic impacts on the London ports have been minimised as one route would always be open. The access routes are being discussed in ongoing meetings with the ports and the tables in the oNIP will be updated at Deadline 6."</i></p> <p>(i) Please advise if you agree with the Applicant's proposal to prevent concurrent working across both access routes by the relevant projects (i.e. North Falls, Five Estuaries and SeaLink), thereby always giving one access route into/ exit route from the ports?</p> <p>Further, the applicant's response [REP-054, Q16.06 part (ii)] provides information on if burial tools cannot achieve the required depth on their own.</p> <p>(ii) In the event that the expected time for crossing the port channels with the cable burial tool could take longer than 2 days, what contingency plans would need to be in place?</p>	<p>(i) MCA agrees with the Applicant in principle regarding the timings of works in the area of the two deep water routes. The production of the oNIP is an additional mitigation to ensure that timings of any works within the areas covered by the oNIP are managed between the projects accordingly to keep any potential socio-economic or navigation safety issues to a minimum.</p> <p>The applicant is demonstrating continued engagement with the relevant stakeholders and as the oNIP is intended to be a 'live document' we would expect this engagement to continue throughout the post consent period until the works are complete.</p> <p>(ii) The MCA is willing to provide comments on the Applicant's contingency plan; however, the plan should clearly demonstrate the ability to cease operations and remove vessels from the area to ensure uninterrupted port access at all times.</p>

15.0.7	<p>Outstanding concerns on plans relating to Shipping and Navigation</p> <p>Are there any outstanding concerns that have not been addressed by the Applicant in the following documents:</p> <ul style="list-style-type: none"> • Site Characterisation Report [REP4-014] • Supporting Information on Offshore Additional Mitigation [REP4-041] • Deep Water Route Cable Installation Areas [REP4-043] • Outline Navigation and Installation Plan [REP5-028] • Outline Sediment Disposal Management Plan [REP5-042] • Cable Specification and Installation Plan [REP5-044] 	<p>Site Characterisation Report [REP4-014]</p> <ul style="list-style-type: none"> • No comments <p>Supporting Information on Offshore Additional Mitigation [REP4-041]</p> <ul style="list-style-type: none"> • MCA supports the Port of London Authority, Harwich Haven Authority and London Gateway request for the Applicant to commit to cables being installed at sufficient depth so as not to preclude future dredging to 22m below chart datum (CD) within the Sunk A and Trinity Deep Water Routes (DWR)s and 19m in the Sunk B to facilitate potential future vessel keel depths over the life of the Project. <p>Deep Water Route Cable Installation Areas [REP4-043]</p> <ul style="list-style-type: none"> • No comments <p>Outline Navigation and Installation Plan [REP5-028]</p> <ul style="list-style-type: none"> • No comments, subject to the applicant maintaining their commitment to continued consultation with relevant navigation stakeholders during the post-consent stage. <p>Outline Sediment Disposal Management Plan [REP5-042]</p> <ul style="list-style-type: none"> • No comments <p>Cable Specification and Installation Plan [REP5-044]</p> <ul style="list-style-type: none"> • No comments, subject to consultation during the post-consent stage.
15.0.8	<p>Control measures proposed by Harwich Haven Authority</p> <p>Please could the MCA advise if they agree with the seven control measures proposed by Harwich Haven Authority (HHA) in their response to ExQ2 submission [REP5-094] and that they need to be contained within the body text of the DCO and embedded marine licence as protective provisions and not just referenced as required for a plan or document such as the Outline Navigation and Installation Plan?</p>	<p>MCA has the following comments on the seven control measures:</p> <p><i>1. We request that no Restricted Ability to Manoeuvre (RAM) works conducted by the North Falls project should run concurrently with RAM works already planned by the Five Estuaries, Sealink and Tarchon project developers (or other development projects) in the Sunk area. It is our opinion that this would cause an unacceptable level of navigational risk. Therefore, we insist that the Sea Link project liaise with other planned project teams and ourselves to avoid this situation. This requirement for no RAM concurrent works, operations or activity must be written into the DCO.</i></p> <p>MCA comments: MCA agrees with this approach and inclusion in the DCO would secure the condition, otherwise the HHA (and other navigation stakeholders) will rely on the MMO including them in the post-consent consultation of the relevant plans to confirm the North Falls project intends to implement the condition. Alternatively, it could be included within the Outline Navigation and installation Plan.</p>

2. Exclusion zone(s) must not be put in place in the Sunk area or channel that would restrict 24/7/365 vessel access requirements or pilot boarding operations etc.

MCA comments: The Applicant will not have the authority to establish mandatory exclusion zones in the Sunk area or channel. Exclusion zones are established under separate legislation e.g. Merchant Shipping Act 1995, therefore it is not necessary to include it within the DCO.

3. Safety zone(s) will not be able to impede vessel traffic movements within the Sunk area or normal operations such as pilot boarding.

MCA comments: Safety zones may be established around wind turbines which will be outside the Sunk Precautionary Area, and therefore they will not impede vessel movements and pilot operations in the Sunk area. Safety zones are established under the Energy Act 2004 and Safety Zone Regulations (SI 2007 1948) and therefore it is not necessary to include it within the DCO.

4. We suggest that no cable joints to be in locations in the Sunk area, due to extra work required in this busy shipping area, leading to increased navigational safety risk.

MCA comments: MCA agrees with this approach and inclusion in the DCO would secure the condition, otherwise the HHA (and other navigation stakeholders) will rely on the MMO including them in the post-consent consultation of the relevant plans to confirm the North Falls project intends to implement the condition. Alternatively, it could be included in the Outline Cable Specification and Installation Plan.

5. In the Sunk area, cable depth needs to consider that the world's largest vessels may anchor and dredge anchors in emergency scenario.

MCA comments: This is addressed through the condition in the Cable Specification and Installation Plan – see below.

6. The cable depth must take into account the draught of current and future vessels and future dredging. The DCO should provide for a maximum draught of 20m plus 10% UKC, as such minimum depth required 22m below chart datum.

		<p>MCA comments: Whilst it could be beneficial to have a specific reference to 22m below CD, it is noted that Schedule 8, Part 2, 22(h) requires the cable specification and installation plan to be in accordance with the outline cable specification and installation plan where it confirms:</p> <p>“Cables will be installed and maintained so as not to impede dredging to a depth of at least 22m below CD within the DWR areas Sunk A and Trinity”.</p> <p><i>7. Suggest that no project vessels with Restricted Ability to Manoeuvre (RAM) (cable laying, UXO clearance, survey etc) are to operate in the wider Sunk area when visibility below nautical 2 miles.</i></p> <p>MCA comments: MCA agrees with this procedure. This could be secured within the Outline Navigation and Installation Plan.</p>
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Comments on additional submissions from the Applicant

The Applicant submitted an updated DCO condition in respect of the removal of the Galloper Recommended Route that was published by the ExA on 10 July 2025. In addition to sub-paragraphs (1) and (2) as shown in our response to Q.15.0.2 above, the Applicant added:

(3) Sub-paragraphs (1) and (2) are subject to sub-paragraphs (4), (5) and (6).

(4) If at any time the Secretary of State, in consultation with the MCA, approves a layout for Work Nos 1 and 2 which safeguards sufficient sea space to allow vessels to continue to safely navigate via the Galloper recommended route, the restrictions in sub-paragraphs (1) and (2) do not apply.

(5) [Unless the Secretary of State directs otherwise, the restrictions contained in sub-paragraphs (1) and (2) cease to have effect on 30 November 2028.

(6) If the secretary of state’s agreement or approval is obtained pursuant to sub-paragraphs (1), (2) or (4) above, the undertaker must install any infrastructure in accordance with the terms and conditions of any such agreement or approval.

MCA is able to accept sub-paragraph (4); however we do not accept sub-paragraph (5). The IMO is the specialist agency of the United Nations responsible for setting international standards on the safety and security of shipping and the prevention of marine and atmospheric pollution by ships. The IMO provides regulatory frameworks for the shipping industry that are universally adopted and implemented by Member States. IMO-adopted ships’ routeing, as defined by

Resolution A.572(14) General Provisions on Ships' Routeing¹, aims to “*improve the safety of navigation in converging areas and in areas where the density of traffic is great or where freedom of movement of shipping is inhibited by restricted sea-room, the existence of obstructions to navigation, limited depths or unfavourable meteorological conditions*”. They can include Traffic Separation Schemes, Inshore Traffic Zones, Deep-Water Routes, Precautionary Areas, Areas To Be Avoided, Roundabouts and Recommended Routes.

Recommended Routes are defined in Resolution A.572(14) as “*A route of undefined width, for the convenience of ships in transit, which is often marked by centre line buoys*”. The Galloper Recommended Route was established in 2006 to enable regular ferry traffic sailing to and from the port of Ostend to enter and leave the Sunk Outer Precautionary Area without unnecessarily deviating to use the Traffic Separation Scheme. Other vessel types can and do use the route. Resolution A.572(14) goes on to say:

3.10 Governments are recommended to ensure, as far as practicable, that oil rigs, platforms and other similar structures are not established within routeing systems adopted by IMO or near their terminations.

This recommendation is reflected in the port and shipping policies in UK marine plans. The following is from the East Marine Plan:

Policy PS1

Proposals that require static sea surface infrastructure or that significantly reduce under-keel clearance should not be authorised in International Maritime Organization designated routes.

The Applicant maintains its position that the requirement for a condition in the DCO “should only be imposed in the event that the Galloper Recommended Route is a ‘recognised sea lane essential to international navigation’ [i.e. a Traffic Separation Scheme] and that a requirement is necessary in order to grant development consent in terms that would avoid any risk of breach of any international obligations”. There is no clear reason why the Applicant believes the requirement for a DCO condition “should only be imposed in the event that the Secretary of State concludes that the Recommended Route is a ‘recognised sea lane essential to international navigation’”. It is MCA’s position that as an IMO-adopted routeing measure the Galloper Recommended Route is a recognised sea lane under UNCLOS Article 22 and Policy PS1 of the East Marine Plan, which is consistent across marine plans in the UK, fulfils the obligation of UNCLOS Article 22.3(a):

3. In the designation of sea lanes and the prescription of traffic separation schemes under this article, the coastal State shall take into account:

(a) the recommendations of the competent international organization;

¹ Amended by MSC.71(69), MSC.165(78), MSC.280(85). Available from:
[https://wwwcdn.imo.org/localresources/en/KnowledgeCentre/IndexofIMOResolutions/AssemblyDocuments/A.572\(14\).pdf](https://wwwcdn.imo.org/localresources/en/KnowledgeCentre/IndexofIMOResolutions/AssemblyDocuments/A.572(14).pdf)

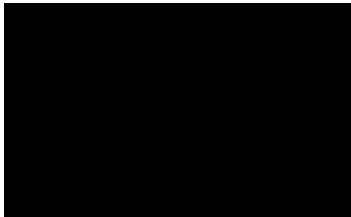
It is also MCA's position that as an IMO-adopted routeing measure the Galloper Recommended Route is a 'strategic route essential to regional, national and international trade' under paragraph 2.8.318 of EN-3 National Policy Statement for Renewable Energy Infrastructure.

As explained during Issue Specific Hearing 2 and in our Deadline 4 response, MCA will not propose the removal of the Recommended Route to IMO until the project receives Ministerial consent. The proposal will be a joint submission from the UK and Belgian Governments and therefore it is not considered to be a minor amendment as suggested by the Applicant in their proposed condition wording. If agreement to remove the Recommended Route is not received from the IMO because of, for example, delays or objections from Member States, the IMO-adopted routeing measure will continue to exist and the UK's obligations in regard to its operation (ref. East Marine Plans PS1 policy) will also continue to exist, regardless of whether the DCO condition has a timebound clause.

Should the Secretary of State grant development consent without an appropriately worded DCO condition, the construction of the wind farm over the Galloper Recommended Route would contradict IMO recommendations and contravene the Government's East Marine Plan policy. Should the Secretary of State grant development consent with a DCO condition using the Applicant's suggested wording for sub-paragraph (5), it potentially consents the Applicant to construct the wind farm after 30 November 2028 without IMO approval to remove the Recommended Route, contrary to IMO recommendations, the East Marine Plan ports and shipping policy, and MCA advice. Sub-paragraph (5) is therefore unacceptable to MCA and we request it is removed from the condition.

MCA has provided updates to the Statement of Common Ground which will be submitted by the Applicant.

Yours faithfully,



Offshore Renewables Lead
UK Technical Services Navigation