



Marine Management Organisation

Marine Licensing
Lancaster House
Hampshire Court
Newcastle upon Tyne
NE4 7YH

T +44 (0)300 123 1032
www.gov.uk/mmo

Wendy McKay
North Falls Lead Panel Member
North Falls Offshore Wind Farm Case Team
Planning Inspectorate
NorthFalls@planninginspectorate.gov.uk
(Email only)

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

23 July 2025
23 July 2025

Dear Wendy McKay,

Planning Act 2008, Proposed North Falls Offshore Wind Farm Project Order Deadline 8 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 8.



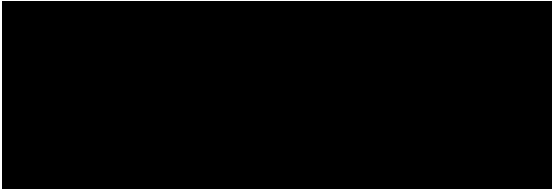
Marine
Management
Organisation

...ambitious for our
seas and coasts



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

Yours Sincerely,



Marine Licensing Case Officer

D + [REDACTED]
E [REDACTED]@marinemanagement.org.uk

Copies provided to:

Marine Licensing Senior Case Manager – [REDACTED]@marinemanagement.org.uk

Marine Licensing Case Manager - [REDACTED]@marinemanagement.org.uk

Contents

1. Closing Statement	5
1.1 General comments	5
1.2 The MMO material issues that remain not agreed	5
1.3 The MMO non-material issues that remain not agreed	6
1.4 Other stakeholder issues that could impact MMO	6
2. MMO Responses to ExA Questions (ExQ3) [PD-016]	7
2.1 MMO Responses to ExA Questions	7
3. MMO Comments on the Applicant's Response to the ExA Schedule of Changes to draft Development Consent Order (REP7-056)	9
3.1 MMO Comments on ExA Schedule of Changes to draft Development Consent Order	9
4. Comments on Applicant's Response to Deadline 6 Submissions [REP7-053]	20
4.1 REP6-082_b – Port of London Authority (PLA)	20
4.2 REP6-082_c – outline Offshore Operations and Maintenance Plan (oOOMP)	20
4.3 REP6-082_d - Chemicals	20
4.4 REP6-082_f – Noise monitoring	20
4.5 REP6-082_g – Commercial Fisheries	20
4.6 REP6-082_h – Cable Specification and Installation Plan (CSIP)	20
4.7 REP6-082_i - Notifications	21
4.8 REP6-082_j - Notifications	21
4.9 REP6-082_m – Piling Restriction	21
4.10 REP6-082_q – Marine Mammal Mitigation Protocol (MMMP) soft start	21
4.11 REP6-082_s – Site Characterisation Report (SCR)	21
4.12 REP6-082_u - Interpretations	21
4.13 REP6-082_v1 – Wet storage	21
4.14 REP6-082_v2 – Details of licensed activities	22
4.15 REP6-082_v3 – Condition 12(4)	22
4.16 REP6-082_w – Misleading information	22
4.17 REP6-082_x - London Gateway Port Limited	22
4.18 REP6-082_y – Maritime and Coastguard Agency (MCA)	22
5. Comments on the updated Cable Specification and Installation Plan (Rev 3) (Tracked) [REP7-040]	23
5.1 Comments on the updated Cable Specification and Installation Plan (Rev 3) (Tracked)	23
6. Comments on the Site Characterisation Report (Rev 2) (Tracked) [REP7-034]	24
6.1 7.26 Site Characterisation Report (Rev 2) (Tracked)	24
7. Comments on the updated Reports submitted at Deadline 7	25
7.1 Comments on 2.6 Schedule of Mitigation (Rev 3) (Tracked) [REP7-005]	25
7.2 Comments on 7.10 Offshore In-Principle Monitoring Plan (Rev 2) (Tracked) [REP7-024]	25

7.3 Comments on 7.9 Outline Fisheries Liaison and Coexistence Plan (Rev 2) (Tracked) [REP7-022]	25
8. MMO Responses to Interested Party (IP) Submissions at Deadline 7	26
8.1 MMO Responses to Port of London Authority (PLA) Comments on Deadline 6 Final Submission [REP7-094]	26
8.2 MMO Responses to Port of London Authority (PLA) Responses to EXQ3 [REP7-093]	26
8.3 MMO Responses to London Gateway Port Limited (LGPL) Comments on any submissions received a the previous deadline [REP7-079]	26
8.4 MMO Responses to Maritime and Coastguard Agency (MCA) Responses to ExQ3 [REP7-081]	27
8.5 MMO Responses to Natural England Responses to EXQ3 – Appendix B7 Natural England’s Marine Processes Advice on the Applicant’s Deadline 6 Documents ..	28
8.6 MMO Responses to Natural England Responses to EXQ3 – Appendix C7 Natural England’s Benthic Ecology Advice on the Applicant’s Deadline 6 Documents	28
8.7 MMO Responses to Natural England Responses to EXQ3 – Appendix E7 Natural England’s Marine Mammal Advice on the Applicant’s Deadline 6 Documents	29
8.8 MMO Responses to Natural England Responses to EXQ3 – Appendix M7 Natural England’s comments on the Examining Authority’s 3rd Written Questions on the North Falls OWF Application [PD-016 & PD-017]	29

1. Closing Statement

1.1 General comments

- 1.1.1 The MMO would like to highlight to the Examining Authority (ExA) and Secretary of State (SoS) that requests for information from the Applicant were made during the pre-application phase.
- 1.1.2 The MMO understands that disagreements are reviewed, and recommendations are made to the SoS by the ExA, so the SoS can make a decision. However, leaving some of the major issues for examination has increased resource requirements during this process and some high priority issues could have been resolved prior to submission, the MMO feels this undermines the development consent order process. In addition to this, major decisions that should be a matter for the SoS's decision are being included as conditions to resolve at the post consent stage. This causes additional work for all parties, increases/duplicates resources and occasionally can put the MMO in a difficult position at the post consent stage. For example, if we require more information (at a cost to the Applicant), such as surveys which impacts the Applicants timeline and funding.
- 1.1.3 The MMO would state that this is a trend among developers and causing significant issues especially when multiple Examinations are taking place that require a similar level of information/technical review. The MMO is raising this higher with the Planning Inspectorate (PINS) and requests that clear guidance/direction which outlines the expectations of the ExA and SoS on the significant points of disagreement is provided within the Decision Document. This will ensure all parties are clear of the requirements post consent and ensures fundamental outstanding disagreements don't continue in the post consent stage. The MMO is content for final plans and details to be discussed post consent once the final design is confirmed but this is not the correct place for issues that can be and should be resolved at the consenting stage.
- 1.1.4 The MMO would highlight that the Applicant hasn't been as engaged as other Developers within examination but welcomes the agreements and updates to the DML that the Applicant has put forward to agree as much as possible.
- 1.1.5 The MMO would also highlight that there are some strategic and wider positions on several of the DML conditions being discussed internally. The MMO may also be submitting something to DESNZ as a wider topic and should the Secretary of State require this information we would be able to provide this for review if requested, however we would prefer to not have additional deadline submission during the decision so that the decision is not delayed.
- 1.1.6 The MMO requests that any update to the DML can be reviewed prior to the decision to enable the MMO's full understanding of the condition and if enable any concerns in implementing and managing this post consent to be raised.
- 1.1.7 The MMO has updated the Statement of Common Ground (SoCG) with the Applicant.
- 1.1.8 The MMO is open to further discussion on any topics post-examination.

1.2 The MMO material issues that remain not agreed

- 1.2.1 The issues not agreed with the Applicant are:

- Transfer of Benefit – Article 5 – the MMO still maintains that reference to the DML’s Article 5 should be removed. Please see Section 3.3 of RR-216, Section 2.2 of REP2-043 for more information and REP7-080, Section 1.1.
- Force Majeure - the MMO requests this is removed from the DML and this is not agreed by the end of Examination. The MMO’s position is detailed in Section 1.3 of REP2-061.
- Determination dates – the MMO welcomes the 6 month time scale but does not agree with the inclusion of a determination date for approval of documents. Please see Section 1.7 in REP7-080.
- Piling restriction – the MMO believes the piling restriction should be on the face of the DML and not within a plan. Please see Section 1.7 in REP7-080.
- Adaptive management & In Principle Monitoring Plan (IPMP) – the MMO’s position is an adaptive management condition should be added as a standalone condition. Without prejudice the MMO welcomes the updates to the IPMP but believes more information on the process should be included.

1.3 The MMO non-material issues that remain not agreed

1.3.1 The issues not agreed with the Applicant, but the MMO believes these are not major issues that can’t be resolved post consent are:

- Disposal sites & Site Characterisation Report – Further designation is required, and this can be done post consent. Updates to the DML are required to ensure it is clear disposal needs to take place within the agreed disposal sites. Please see latest comments in REP7-080.
- Noise monitoring – although not agreed the MMO believes that with commitment for further discussion as part of the monitoring plan this can be resolved post consent. Please see comments in Section 4.4.

1.4 Other stakeholder issues that could impact MMO

1.4.1 The MMO understands there are disagreements with the harbour authorities and protective provisions and has provided final comments in Section 8 of this document.

1.4.2 The MMO understands there are several outstanding issues between NE and the Applicant and has provided final comments in Section 8 of this document. The MMO notes the main concerns relate to monitoring and impacts to Marine Protected Areas.

2. MMO Responses to ExA Questions (ExQ3) [PD-016]

2.1 MMO Responses to ExA Questions

2.1.1 The MMO has provided further comments on the ExA third written questions in Table 1 below. The MMO hopes that for the most part any issues will be resolved, and parties will be able to reach an agreement before the end of examination, anything not agreed will be reflected in the Statement of Common Ground (SoCG) and in our closing statement to be submitted at Deadline 8.

Table 1: MMO Responses to Examining Authority's Questions (ExQ3)

ExQ3	Question to:	Question:	MMO Response
9. Draft Development Consent Order (DCO)			
15. Navigation & Shipping			
<u>Q15.0.7</u>	HHA, PLA, LGPL, MCA & MMO	Outstanding concerns on plans relating to Shipping and Navigation Are there any outstanding concerns that have not been addressed by the Applicant in the following documents: <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>The MMO has provided comments on the documents in Section 7.-7.7 and Section 9 of the Deadline 7 document.</p> <p>The MMO has reviewed other responses to this question and has provided further comments below in Section 6.</p> <p>The main MMO concern is that if there are fundamental issues these should be resolved as part of the consenting process and not for discussions at the post consent stage. Please see Section 1 for general comments on outstanding issues.</p>

ExQ3	Question to:	Question:	MMO Response
16. Socio – economic Effects			
<u>Q16.0.1</u>	Applicant	<p>Potential introduction of further fisheries management measures</p> <p>Further to the MMO’s comments on any submissions received at the previous deadline [REP6- 082], for the response to ExQ2 Q16.01 the MMO requests that:</p> <p><i>“Consideration should be given to the potential introduction of further fisheries management measures within Marine Protected Areas (MPAs) under Stages 3 and 4 of the assessment and management process for fishing in offshore MPAs. Chapters 11 and 14 identify MPA sites and existing fisheries management measures but do not acknowledge ongoing activities by Defra and the MMO that may lead to the introduction of new management measures in these areas in the near future. Stage 3 sites proposed management measures are currently undergoing public consultation, while Stage 4 sites have not received any further public updates following the call for evidence which closed in February 2024.”</i></p> <p>Could the Applicant advise what consideration they propose in response to MMO’s above request?</p>	<p>The MMO acknowledges this comment and would welcome comments from the SoS on the impacts to commercial fisheries as part of the decision to ensure the difference in requirements and need for the project is clear.</p>

3. MMO Comments on the Applicant's Response to the ExA Schedule of Changes to draft Development Consent Order (REP7-056)

3.1 MMO Comments on ExA Schedule of Changes to draft Development Consent Order

3.1.1 The MMO understands that the Applicant has updated the Draft DCO to include several of the amendments suggested by the ExA in relation to definitions and formatting which the MMO welcomes and has not provided comments below. The MMO has provided further comments on the Applicant's response to the ExA Schedule of Changes in Table 2 below.

Table 2: MMO Responses to Examining Authority's Questions (ExQ3)

Section	ExA's Proposed Changes	ExA's Reasoning	Applicant's Comments	MMO Comments
Schedule 8, 9 and 10– Deemed Marine Licences (DMLs)				
Schedule 8, 9 and 10	<p>Within the DMLs there does not appear to be any requirement to notify the MMO with regard to which build option has been chosen.</p> <p>The MMO should be notified of the selected option. Add such a requirement/condition.</p>	<p>As Five Estuaries is yet undetermined consideration should be given for both projects to capture a requirement to co-ordinate on the onshore cable works. Including provisions for co-operation and for notification to the MMO as offshore enforcing body of the build option selected. It should be included in the interests of achieving wider ecological protection effectiveness.</p>	<p>The Applicant does not agree this is reasonable or necessary for the MMO to undertake its role as offshore enforcing body or in the interests of achieving wider ecological protection effectiveness. If build option 3 is progressed the relevant DML (schedule 10) will be discharged and the MMO with therefore be engaged. Also note that coordination with Five Estuaries is limited to, and only relevant for, onshore works and build options 1 and 2, not build option 3.</p>	<p>Although the MMO welcomed review of these conditions the MMO has further comments.</p> <p>The MMO would highlight that cooperation conditions have been included in other DCO such as the East Anglia One North and EA Two Offshore Windfarms.</p> <p>Although the MMO will discharge the conditions in relation to ecological matters the MMO would highlight that cooperation can be achieved with agreements outside</p>

				<p>the DML and would ask how this condition would work in principle.</p> <p>For any in combination impacts these should be assessed and concluded on at the decision stage and therefore if there is overlap then the assessment would take this into account at this stage.</p> <p>The MMO is not clear what our role would be in relation to 'achieving wider ecological protection effectiveness' at the post consent stage'.</p>
Schedule 8 Part 2 Condition 25	The monitoring conditions seem to only cover benthic monitoring. Ornithological and marine mammal monitoring should also be requirements/conditions due to the potential for impact.	The ExA is mindful Natural England still noted at Deadline 5 that ornithological and marine mammal monitoring should also be requirements due to the potential for impact. In accordance with best practice.	Monitoring for benthic, ornithological, and marine mammal impacts is covered by the outline offshore in-principle monitoring plan (IPMP) (Document Ref: 7.10 (rev 2)) which is secured by condition 21(1)(j) of the DML, as well as condition	The MMO notes that the Applicant believes the monitoring is adequately covered within the IPMP. The MMO notes NE requests that conditions are added in to each stage of the monitoring conditions

			25 (pre-construction monitoring and surveys), condition 26 (construction monitoring) and condition 27 (post-construction monitoring).	(25, 26 & 27) to make it clear the requirements at the stage of monitoring. The MMO does welcome this, and this has been done in other DCOs for offshore wind farms when the monitoring requirement is known at the consenting stage, mainly ornithology.
Schedule 8 Part 2 Condition 27 and 28	Marine mammal monitoring should be included in the Condition.	<p>The ExA is mindful Natural England notes that this condition does not have provision for marine mammal monitoring. Further, the recent SoS decision for SADEP approved the following recommendation from NE and the MMO for particular impacts requiring remediation or further mitigation works. For reference only:</p> <p><i>(7) In the event that the reports provided to the MMO under sub-paragraph (4) identify impacts which are unanticipated and or beyond those predicted within the Environmental Statement and the Habitats Regulations Assessment an adaptive management plan to reduce effects to within what was predicted within the Environmental Statement and the Habitats Regulations</i></p>	As above	<p>As noted in the response at Deadline 7 [REP7-080], the MMO notes the Applicant does not agree that an adaptive management condition should be on the DML as this is covered within the IPMP. The MMO welcomes the updates to the IPMP but believes this should be a condition so all parties are clear of the process should impacts be greater than predicted. The</p>

		<p><i>Assessment, unless otherwise agreed by the MMO in writing, must be submitted alongside the monitoring reports submitted under subparagraph (4). This plan must be agreed by the MMO in consultation with the relevant statutory nature conservation bodies to reduce effects to an agreed suitable level for this project. Any such agreed and approved adaptive management or mitigation should be implemented and monitored in full to a timetable first agreed in writing with the MMO. In the event that this adaptive management or mitigation requires a separate consent, the undertaker shall apply for such consent. Where a separate consent is required to undertake the agreed adaptive management or mitigation, the undertaker shall only be required to undertake the adaptive management or mitigation once the consent is granted.</i></p>		<p>condition is a more proactive approach and set out a specific adaptive management plan to be submitted.</p>
New	<p>Operational Lifetime A requirement and or DML</p>	<p>Natural England has requested the DCO include</p>	<p>The Applicant does not consider a requirement</p>	<p>The MMO notes that just because it has not</p>

	condition needs to be added to ensure project does not exceed the operational lifetime considered within the Environmental Statement. Amend accordingly.	this provision. The inclusion is reasonable. In the interests of ensuring enforceability, it is deemed necessary.	limiting the operational lifetime of the Project is required. Such a requirement is not ordinarily included in DCOs for offshore wind farms (e.g. there is no such operational limitation in the two most recently made DCOs for Rampion 2 and Mona OWFs). The Applicant has set out its position on this point at deadline 4 in the Applicant's Response to Deadline 3 Submissions and Deferred Responses from Deadline 2, specifically in response to the MMO's REP3- 056_n.	<p>appeared within a DCO before does not mean it can't be included, the DCO process is irrelative and changes are required that may not be in line with previous cases.</p> <p>The MMO would highlight that this issue was not raised within those examinations so has not been explored within the DCO process.</p> <p>The MMO has no update on internal discussions at this stage and believes it is a matter for the SoS to decide.</p>
Other Schedules				
Environmental Impact Assessment - Document Used: 7.20 Outline Offshore Operations and Maintenance	<p>The replacement or addition of scour protection around foundations for the lifetime of the project doesn't align with comments made in the DCO and/or the Benthic Appendix. Amend accordingly.</p> <p>This plan does not align with the Cable statement [APP-262] and this needs to be</p>	In the interests of overall effectiveness and enforceability.	i) The Applicant notes that the comment appears to be a comment raised by Natural England in their Relevant Representation, which the	No comments

Plan	addressed by the Applicant		<p>Applicant has responded to, see NE-69 of Applicant's Response to Relevant Representations from Natural England [REP1-044]. It is not clear what 'Benthic Appendix' refers to. The only appendix to ES Chapter 10 Benthic and Intertidal Ecology [APP-024] is the ES Appendix 10.1 Benthic and Intertidal Ecology Survey Report [APP-094] which is not relevant here.</p> <p>ii) The issue in respect of the Cable Statement (CS) is also not clear to the Applicant.</p>	
------	----------------------------	--	---	--

			<p>The CS was last updated at Deadline 4 [REP4-015] to reference the updated oCSIP (which has been updated again at Deadline 7, Document Reference 9.53, Rev 3). The CS does not need to reference, nor align with the outline OOMP, as the outline OOMP does not have a limit on scour protection (only cable protection, which is consistent).</p>	
<p>Environmental Impact Assessment – Document Used: 2.6 Schedule of Mitigation</p>	<p>Schedule of Mitigation and [APP-262] Cable Statement should be <u>certified under the DCO</u>.</p> <p>Further, the use of terms such as ‘where practicable’ throughout the document cause concern because</p>	<p>In the interests of seeking overall effectiveness and allowing enforceability.</p>	<p>The Applicant does not agree that the Schedule of Mitigation should be certified in the DCO. The Schedule of Mitigation sets out the various mitigation measures committed to which are</p>	<p>The MMO notes the Applicant does not have Commitments Register which is usually the certified document that captures all the</p>

	<p>listing out mitigation does not mean it is achievable and/or that there is commitment to do it.</p> <p>In addition, there is no detail to demonstrate that by undertaking the mitigation it will sufficiently minimise impacts to acceptable levels. This document needs to be updated to clarify what is/isn't committed to by the Applicant.</p>		<p>secured in other various documents and plans. These documents and plans are certified in Schedule 12 and secured in the DCO. Therefore, it would be an unnecessary duplication to also certify the Schedule of Mitigation.</p> <p>The cable statement was provided with the Application in accordance with Regulation 6 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (APFP 2009 Regs), to provide "details of the proposed route and method of installation for any cable", which the Cable Statement fulfils.</p> <p>The Cable Statement is not referred to anywhere in the dDCO or DMLs (Document Reference 6.1, Rev 8). This is because relevant mitigation in</p>	<p>commitments including mitigation in one place.</p> <p>The MMO has checked other DCOs and notes the Cable statement and Schedule of mitigation are not usually certified. The MMO believes this is because they usually have a commitment register which covers most of the information and believes this is for the SoS to decide.</p>
--	---	--	--	---

			respect of the cable works is secured by a combination of other methods, documents and DCO requirements and DML conditions. Where relevant, those documents and plans are certified in Schedule 12 of the dDCO.	
Environmental Impact Assessment – Document Used: 2.27 Cable Statement	Document [APP-262] Cable Statement is currently overly simplified and too high level. It is not clear how this plan aligns with the other named plans and documents. Reliance on these documents alone as set out in the documents purpose could cause key commitments to not be implemented.	The ExA would welcome further clarification from the Applicant on how the plans work together, and further detail being included within the document.	The Cable Statement is of sufficient detail to fulfil the requirement under the APFP 2009 Regs. The Cable Statement need not be more detailed as details in respect of the cable works is provided in various other documents which are secured and relied on under the DCO, e.g. outline CSIP which is certified under Schedule 12, and secured by Condition 21 / 22 / 21 of each of the DMLs in Schedule 8, 9 and 10 respectively, or the outline OOMP which is certified under Schedule 12, and secured by Condition 12 / 13 / 12 respectively. Provisions in respect of cable works must	The MMO agrees that the cable statement is usually an early indication of principles that should be applied to be included with the final plans at the post consent stage.

			necessarily be contained in different plans and documents because the cable works form different parts of the authorised development, and will be different onshore and offshore, and different for different phases of the development.	
Environmental Impact Assessment	An Outline Decommissioning Plan is requested and should be reflected in the DCO wording.	An Outline Decommissioning Plan has been requested by Natural England for all other OWF NSIP applications to ensure that decommissioning is achievable and environmentally sensitive. The applicant has responded they will not submit this. The ExA notes the Examination issue is not resolved.	The Applicant does not consider it would be helpful or appropriate to submit an outline decommissioning plan at this stage in the process, and that the appropriate approach is for an outline decommissioning plan to be submitted prior to commencement for works, as required in the draft DCO. The Applicant responded on this point at deadline 4 in the Applicant's responses to deadline 3 submissions and deferred responses from deadline 2 (Document Ref: 9.42 [REP4-027]), in response to the MMO, and the Applicant's responses to	<p>The MMO notes that it wouldn't be possible to produce at this stage of the examination.</p> <p>The MMO would welcome this and requests that the MMO can review the decommissioning programme prior to submission to the SoS to enable a more efficient consultation at the formal stage.</p>

			<p>Natural England's deadline 3 submissions (Document Ref: 9.43 [REP4-028]). The Applicant also notes that the recently granted DCO for the Mona offshore wind farm has not been required to submit an outline decommissioning plan pre-consent.</p>	
--	--	--	--	--

4. Comments on Applicant's Response to Deadline 6 Submissions [REP7-053]

4.1 REP6-082_b – Port of London Authority (PLA)

- 4.1.1 As noted in the Deadline 6 response, the MMO would encourage the Applicant to engage with the PLA on this matter given the approach to the end of examination.
- 4.1.2 The MMO acknowledges the updates made to the outline CSIP, NIP and SDMP at Deadline 6 to address the comments by the PLA and other ports (see [REP6-052], [REP6-040] and [REP6-050]).
- 4.1.3 The MMO welcomes the updates to the dDCO submitted at Deadline 7 (Document reference 6.1, Rev 8) including the conditions proposed by the PLA in their Deadline 6 response [REP6-090] in relation to consultation with ad notifications to the PLA in relation to activities and programme relating to monitoring and UXO (Condition 37); and the PLA must be consulted on the operations and maintenance plan (Condition 13(4)). The MMO also welcome the updated by the Applicant to the notification requirements in respect of surveys, the progress of development, and aids to navigation under condition 16 and 17 of schedule 9, to include the PLA (as one of the “local harbour authorities”) of the updated dDCO.
- 4.1.4 The MMO has addressed the comments made by the PLA at Deadline 7 in Section 8 of this document.

4.2 REP6-082_c – outline Offshore Operations and Maintenance Plan (oOOMP)

- 4.2.1 The MMO has provided comments on the updated oOOMP at Deadline 7. The MMO welcomes the update to this document and this is now agreed.

4.3 REP6-082_d - Chemicals

- 4.3.1 The MMO welcomes the updates to the dDCO at Deadline 6 [REP6-006] to make provision for a chemical risk register to form part of the PEMP, under condition 21(1)(d) / condition 22(1)(d) of the DMLs and considers this matter closed.

4.4 REP6-082_f – Noise monitoring

- 4.4.1 The MMO welcomes the Applicant's updates in relation to piling.
- 4.4.2 The MMO requested an update to the condition and acknowledges the Applicant's response and has no further update to the condition.

If a commitments register was part of the project the MMO would request commitment to further post construction discussion on worst case piling at the post consent stage, the MMO believes this is still possible as part of the design of the project but this would have to be done post consent. The MMO would also request a notification as soon as any mitigation fails or impacts are greater than predicted prior to submission of the report.

4.5 REP6-082_g – Commercial Fisheries

- 4.5.1 The MMO welcomes this response and has no further comments.

4.6 REP6-082_h – Cable Specification and Installation Plan (CSIP)

- 4.6.1 The MMO provided further comments on the Outline Cable Specification and Installation Plan at Deadline 7 and in Section 5 below and has no further comments.

4.7 REP6-082_i - Notifications

- 4.7.1 The MMO welcomes the updated to the dDCO at Deadline 6 [REP6-005] to provide for the relevant notification period, see condition 15, condition 16, and condition 15 of the DMLs in Schedule 8, 9, 10 respectively.
- 4.7.2 The MMO also welcomes the updates to the dDCO at Deadline 6 with the change to sub-paragraph (6) of the relevant condition.
- 4.7.3 The MMO has no further comments.

4.8 REP6-082_j - Notifications

- 4.8.1 The MMO welcomes the updates to the dDCO at Deadline 6 [REP6-005] to provide for the relevant notification period in condition 15, condition 16 and condition 15 of the DMLs in Schedule 8, 9 and 10 respectively.
- 4.8.2 The MMO has no further comments.

4.9 REP6-082_m – Piling Restriction

- 4.9.1 The MMO welcomes the commitment by the Applicant to the relevant winter piling restriction. The MMO welcome the updates made by the Applicant to the outline Project Environmental Monitoring Programme (PEMP) [REP6-027/028] at Deadline 6 however believes that if a restriction is required then this should be on the face of the DML and not within a plan. The MMO does not agree that it is duplication if it is already secured within a plan, a restriction should be clear to all parties and some parties may not have access to the PEMP. As this is a clear commitment the MMO would expect this to be on the face of the DML and notes this is now for the SoS to decide.

4.10 REP6-082_q – Marine Mammal Mitigation Protocol (MMMP) soft start

- 4.10.1 The MMO has no further comments.

4.11 REP6-082_s – Site Characterisation Report (SCR)

- 4.11.1 The MMO has provided comments on the updates to the Site Characterisation Report at Deadline 7 in Section 5 below.

4.12 REP6-082_u - Interpretations

- 4.12.1 The MMO welcomes the updates made by the Applicant to the dDCO/DMLs submitted at Deadline 7 [REP7-007] as follows:
- “commence” this change has been made;
 - “commissioning” the reference to ‘design objectives’ in the DMLs was erroneous and has been removed, and is consistent across dDCO / DMLs;
 - “the Order Limits” in the DCO, a definition has been provided of “works plans” defined as the “works plans (offshore) and works plans (onshore)”, which are certified documents. In the DMLs, “Order limits” have been updated to refer to “works plans (offshore)” which is a certified document; and
 - “outline navigation and installation plan” – this definition has been updated to be defined as the “document certified”.

4.13 REP6-082_v1 – Wet storage

- 4.13.1 The MMO welcomes the clarification that the Project is planning for the foundations to be installed prior to the cable being installed and hence there is no requirement for wet storage of array cables.
- 4.13.2 The MMO welcomes the updates to the Outline Cable Specification and Installation Plan at Deadline 7 [REP7-039] to make it clear that there will not be any wet storage for the export cable.
- 4.13.3 The MMO acknowledges the confirmation that if, at a later date, wet storage is required as part of the licensed activities, it will be within the limits of the environmental assessment for temporary disturbance effects (because, as set out in Schedule 1, Part 1 of the dDCO [REP6-005] Work Nos.1, 2, 3 and 4A (which form the works under the DMLs in Schedule 8, Schedule 9 and Schedule 10) must fall within the scope of the environmental statement). The MMO would highlight that should wet storage be required it should be within Part 1 (2) Details of licensed marine activities as a specific activity to ensure every activity is captured within the relevant DML.

4.14 REP6-082_v2 – Details of licensed activities

- 4.14.1 The MMO welcomes the updates to the DMLs and has no further comments than those above.

4.15 REP6-082_v3 – Condition 12(4)

- 4.15.1 The MMO welcomes the removal of 'substantially' in the DCO.

4.16 REP6-082_w – Misleading information

- 4.16.1 The MMO believes this should be within the DML and it is now for the SoS to decide on its inclusion.

4.17 REP6-082_x - London Gateway Port Limited

- 4.17.1 The MMO is in agreement that the MMO as the regulator of marine activities should approve the final plans as they are part of the control mechanisms ensuring the works carried out are within the scope of the licensed activities.
- 4.17.2 The MMO welcomes the inclusion of Requirement 2(3) which ensures that the cables are laid at depths to ensure no interference with relevant vessels, and Condition 22(1)(h)(ii) of Schedule 9 which ensures that navigable depth may not be reduced in the DWR areas.
- 4.17.3 The MMO welcomes that the Applicant has also included the local harbour authorities (including LGPL) within the consultation by the MMO in respect the relevant plans (CSIP, NIP, SDMP), meaning MMO will need to consult, and receive input from LGPL, prior to the final approval of the relevant plans relating to activities that may impact LGPL.
- 4.17.4 The MMO would like to further stress that the MMO believes the issues should be resolved at this stage as part of the consenting decision process and should be a matter of the SoS to make a decision with clear direction should this still be outstanding at the end of examination.

4.18 REP6-082_y – Maritime and Coastguard Agency (MCA)

- 4.18.1 The MMO has provided further comments on the MCA Deadline 7 submission in Section 5 below and believes as this is part of the requirement has no further comments.

5. Comments on the updated Cable Specification and Installation Plan (Rev 3) (Tracked) [REP7-040]

5.1 Comments on the updated Cable Specification and Installation Plan (Rev 3) (Tracked)

- 5.1.1 The MMO notes the minor updates to the updated CSIP in response to the comments raised by the MCA and other stakeholders, including the further addition of detail regarding UXO clearance, cable jointing and cable protection.
- 5.1.2 The MMO made additional comments at Deadline 7 [REP7-080] regarding the CSIP [REP6-051] and the updated disposal site location (section 9) and has no further comments.

6. Comments on the Site Characterisation Report (Rev 2) (Tracked) [REP7-034]

6.1 7.26 Site Characterisation Report (Rev 2) (Tracked)

- 6.1.1 The MMO welcomes the updates to Section 2.2.5 and 6.2.4 of the Site Characterisation Report at Deadline 7 to address comments raised by the Port of London Authority (PLA) raised at Deadline 5 [REP5-111]. The MMO notes that the Project has committed to install offshore export cables to a depth that will not preclude or impede dredging to a depth of at least 22 metres (m) below Chart Datum (CD) within the DWR areas Sunk A, and Trinity and Sunk Pilotage areas; and 19m CD within the Sunk B to facilitate potential future keel depths.
- 6.1.2 The MMO welcomes the inclusion of combined NFOW and Five Estuaries Offshore Wind Farm (VE) cable corridor disposal site in accordance with advice from the MMO, in Section 2.1.
- 6.1.3 The MMO welcomes the inclusion of the requested amendments and note that the report now presents the results for all the samples collected during the characterisation survey (including those that are now outside the order limits).
- 6.1.4 The MMO raised comments at Deadline 7 regarding the updated Cable Specification and Installation Plan [REP6-051] and the updated disposal site location. These are minor comments and the MMO has classified these as non-material and these are reflected within the SoCG the Applicant will submit at Deadline 8.

7. Comments on the updated Reports submitted at Deadline 7

7.1 Comments on 2.6 Schedule of Mitigation (Rev 3) (Tracked) [REP7-005]

- 7.1.1 The MMO has no comments on the Schedule of Mitigation, but understands that NE will discuss monitoring further with the Applicant during the post-consent stage and welcomes this.

7.2 Comments on 7.10 Offshore In-Principle Monitoring Plan (Rev 2) (Tracked) [REP7-024]

- 7.2.1 The MMO has no comments on the IPMP updates but highlights comments on adaptive management in Section 1 of this document.

7.3 Comments on 7.9 Outline Fisheries Liaison and Coexistence Plan (Rev 2) (Tracked) [REP7-022]

- 7.3.1 The MMO is content with the updates to the Outline Fisheries Liaison and Coexistence Plan and have no further comments.

8. MMO Responses to Interested Party (IP) Submissions at Deadline 7

8.1 MMO Responses to Port of London Authority (PLA) Comments on Deadline 6 Final Submission [REP7-094]

- 8.1.1 The MMO understands that Applicant has submitted a technical paper in relation to the PLA's navigational equipment. The Technical note [REP6-067] demonstrates that there is no impact on the PLA's Holland Haven to Walton Pier radio link. The PLA considers this matter resolved therefore the MMO has no further comments.
- 8.1.2 As noted in section 4 above the MMO welcomes the updates to the Site Characterisation Report made by the Applicant in relation to Deep Water Areas in response to the recommendations made by the PLA in their Deadline 5 Response [REP5-111]. The PLA welcomes the engagement with the Applicant on this matter and the MMO has no further comments.
- 8.1.3 The MMO understands that the updates to the Outline Cable Specification and Installation Plan ("oCSIP") submitted at Deadline 7 [REP7-040] have resolved the points highlighted in table 1 of the PLA's response at Deadline 7. The MMO welcomes this.
- 8.1.4 The MMO notes that the PLA is content with the updates made to the Outline Sediment Disposal Management Plan ("oSDMP") [REP6-050] and the Hydrodynamic and Dispersion Modelling Report [REP6-054] subject to the minor amendments highlighted in their response. The MMO has no further comments.
- 8.1.5 The MMO understands that the PLA is intending to review the updates made to the Outline Cable Specification and Installation Plan (REP7-040) at Deadline 8. The MMO provided comments on the oCSIP [REP6-052] at Deadline 7 [REP7-080] and have reviewed the Deadline 7 updates [REP7-040] and has no further comments.
- 8.1.6 The MMO notes that there are three outstanding points remaining at Deadline 7 in relation to the Outline Navigation and Installation Plan [REP6-040]. The MMO hopes these are resolved at Deadline 8 and if not believes it is for the SoS to make a decision on these points.
- 8.1.7 The MMO understands that there have been several changes to the dDCO which are relevant to the PLA which are welcomed by the PLA.

8.2 MMO Responses to Port of London Authority (PLA) Responses to EXQ3 [REP7-093]

- 8.2.1 The MMO notes that the ExA question 9.3.3 asks the PLA to compare the PLA's preferred form of protective provisions with the protective provisions included by VEOWF Ltd in the draft DCO and provide justification for the differences. The PLA have included reasoning and justification for their proposed changes to the protective provisions in the Appendix of their response. The MMO hopes the issues in relation to protective provisions will be resolved at Deadline 8 and if not believes it is for the SoS to make a decision on these points.

8.3 MMO Responses to London Gateway Port Limited (LGPL) Comments on any submissions received at the previous deadline [REP7-079]

- 8.3.1 The MMO understands that there are outstanding queries by LGPL regarding the central purpose of the Outline Navigation and Installation Plan (oNIP) who have requested clarification to paragraph 2.

- 8.3.2 The MMO notes that LGPL's position is that it should have the right to approve the final NIP to the extent relevant as regards to the Deep-Water Routes (DWRs). To clarify the 'approval of the document' point raised (and as above in Section 4.17) this point should have stated that the MMO supports 'LGPL to approve **the information** within the plan prior to submission to the MMO' and not approval of the plan'. Ultimately, as the regulator, the MMO is the only one who has authority within the DML to approve the plan. The MMO believes that should the SoS decide to not include the protective provisions and include this condition that it should be clear on what would be required at the post consent stage as part of the plan and decision. The MMO would support and strongly request the Applicant engage with the harbour authorities prior to submission to the MMO. The MMO will consult the harbour authorities on the submitted document, but it would be beneficial if the majority of the comments and updates are updated and agreed prior to submission to the MMO. The MMO does not want to be in apposition post consent where the MMO has to make a decision that could and should have been made at the consenting stage.
- 8.3.3 The MMO notes that the ExA in its Schedule of Changes to draft Development Consent Order [PD-009] has specified that the PPs in favour of LGPL should be reinstated and LGPL supports this. The MMO has no comments on this as this would be out with of the DML.
- 8.3.4 The MMO understands that LGPL considers that the outline NIP lacks significant detail and does not provide the necessary protections for LGPL to safeguard the on-going operation of the Port. LGPL wishes to discuss with the Applicant and the Port of London Authority further changes to the outline NIP as a matter of urgency. The MMO hopes this can be resolved prior to Deadline 8. The MMO believes if this is not resolved then it is for the SoS to decide on these issues and not to be resolve at the post consent stage as these are fundament issues on what is included in the document.

8.4 MMO Responses to Maritime and Coastguard Agency (MCA) Responses to ExQ3 [REP7-081]

- 8.4.1 **15.0.2** – The MMO notes that the MCA has reviewed the proposed requirement in relation to the Galloper Recommended Route and they have requested amendments to both parts.
- 8.4.2 The MMO has no concerns with the MCA's proposed updates to the requirement and wording.
- 8.4.3 **15.0.5** - The MMO is in agreement with the MCA that engagement should continue throughout the post consent period until the works are complete.
- 8.4.4 **Comments on Additional Submissions from the Applicant** – The MMO agrees with the 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"*.

8.5 MMO Responses to Natural England Responses to EXQ3 – Appendix B7 Natural England’s Marine Processes Advice on the Applicant’s Deadline 6 Documents

- 8.5.1 The MMO notes that NE welcomes the monitoring which has been included in the In Principal Monitoring Plan (IPMP) and would welcome the opportunity to engage with the Applicant further to discuss the approach and scope of the monitoring.
- 8.5.2 The MMO understands that NE advises that the monitored proposed should be more specific to monitor changes to the seabed morphology, level and sediment composition if/where cable protection is placed adjacent to MLS SAC. Furthermore, with regard to the MCZ, NE advises that the Applicant should commit to intensive monitoring of the area potentially affected in the MCZ by construction-related sediment deposition and operational-related sediment transport and seabed morphology/sediment composition impacts. This should include triggers for remedial intervention if any observed impacts are greater than predicted. At this stage of the examination the MMO believes this is a matter for the SoS to decide on, and would highlight that remedial action would be considered with the inclusion of an adaptive management condition, noting comments in Table 2 of this document.
- 8.5.3 The MMO acknowledges the advice provided by NE on the 9.54 Hydrodynamic and Dispersion Modelling Report (Rev 1) (Tracked) [REP6-054] in relation to updates to modelling and consideration of the worst-case scenario. The MMO has no comments on this and defer to NE for their technical advice.

8.6 MMO Responses to Natural England Responses to EXQ3 – Appendix C7 Natural England’s Benthic Ecology Advice on the Applicant’s Deadline 6 Documents

- 8.6.1 The MMO notes that NE has provided benthic advice in relation to the 9.54 Hydrodynamic and Dispersion Modelling Report (Rev 1) (Tracked) [REP6-054], particularly in relation to updating the EIA and MCZ assessments. NE advise that the impacts within features should be fully identified, quantified, and evaluated within the appropriate ecological context in order to appropriately inform assessments. The MMO supports NE and notes that most comments on benthic matters have been resolved.
- 8.6.2 The MMO understands that NE has requested that the EIA is updated to appropriately consider changes to benthic receptors as a result of predicted changes in hydrodynamic conditions in the vicinity of the array area. The MMO would welcome this and notes the stage of the Examination. The MMO believes this is for the SoS to decide on.
- 8.6.3 The MMO understands that NE has provided advice in relation to benthic monitoring and NE advise that the Applicant should commit to intensive monitoring of the affected area within the MCZ, including monitoring of potential changes to sediment composition, seabed level and morphology and should include thresholds of change to trigger remedial action if impacts are observed to be greater than predicted. This monitoring would need to be included in the IPMP and secured in the DCO/DML. The MMO notes there are still several issues outstanding in relation to monitoring, as these are related to Marine Protected Areas the MMO defers to NE but would request that there is a clear discussion on the decision on this matter within the decision document to ensure all parties are clear of post consent requirements.

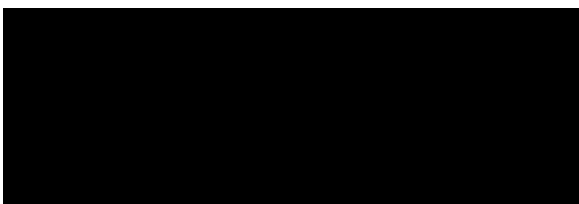
8.7 MMO Responses to Natural England Responses to EXQ3 – Appendix E7 Natural England’s Marine Mammal Advice on the Applicant’s Deadline 6 Documents

- 8.7.1 The MMO notes that NE’s advice remains that PAM is a required monitoring tool for UXO clearance especially given that the proposed development is within a designated SAC for harbour porpoise. The MMO notes no UXO clearance activity is part of the DML and therefore this will be reviewed as part of the separate marine licence condition.
- 8.7.2 The MMO acknowledges that NE provisionally agrees with the additional monitoring proposed by the Applicant besides the standard requirement for noise measurements for the first four piled foundations. The MMO understands that NE will discuss monitoring further with the Applicant during the post-consent stage and welcomes this.

8.8 MMO Responses to Natural England Responses to EXQ3 – Appendix M7 Natural England’s comments on the Examining Authority’s 3rd Written Questions on the North Falls OWF Application [PD-016 & PD-017]

- 8.8.1 The MMO notes that NE has provided responses to the EXQ3 questions posed in relation to protected sites, modelling and compensation. The MMO has no comment on the responses from NE.
- 8.8.2 The MMO understands that Q26 from the ExA in relation to the Report on the Implications for European Sites (RIES) [PD-020], asks the Applicant, NE and the MMO to confirm whether they have reached agreement that Adverse Effect on Integrity (AEIOI) on Margate and Long Sands Special Area of Conservation (MLS SAC) can be excluded. The MMO deferred to NE in relation to AEIOI in our Deadline 7 response [REP7-080].
- 8.8.3 The MMO understands that NE’s advice is that if either:
- a) the Applicant can update their modelling to demonstrate that any changes to physical processes due to the placement of cable protection adjacent to MLS SAC will not be discernible within the SAC, or
 - (b) the WCS cable protection placement adjacent to MLS SAC is appropriately secured as modelled by the Applicant in [REP6-054], i.e. one 400m section of cable protection at a distance of 150m from the SAC (i.e. the buffer), then NE would be content to agree no AEIOI on MLS SAC.
- 8.8.4 The latter would need to be secured through condition in the DML. If the Applicant can either provide (a) or agree to (b) then this will sufficiently address NE’s concerns regarding the lack of clarity on the WCS cable protection layout adjacent to MLS SAC and potential changes to sediment transport processes and seabed morphology, and associated changes in the extent, distribution or composition of benthic communities within the MLS SAC, due to the presence of this cable protection.
- 8.8.5 The MMO has not seen a condition from either NE or the Applicant on this point and requests if a new condition is included the MMO are able to review and provide comment to ensure full understanding post consent.

Yours Sincerely,



Marine Licensing Case Officer

D +



 marinemanagement.org.uk