



NORTH FALLS

Offshore Wind Farm

Statement of Common Ground

Marine Management Organisation (Tracked)

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Revision	Date	Status/Reason for Issue	Originator	Checked	Approved
0	April 2025	Deadline 4	RHDHV	NFOW	NFOW
<u>1</u>	<u>July 2025</u>	<u>Deadline 8</u>	<u>RHDHV</u>	<u>NFOW</u>	<u>NFOW</u>

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Glossary of Acronyms

DCO	Development Consent Order
DMLs	Deemed Marine Licences
EIA	Environmental Impact Assessment
EPP	Evidence Plan Process
ETG	Expert Topic Group
MMO	Marine Management Organisation
MMMP	Marine Mammal Mitigation Protocol
NFOW	North Falls Offshore Wind Farm Limited
PEIR	Preliminary Environmental Information Report
SoS	Secretary of State
SoCG	Statement of Common Ground
UXO	Unexploded Ordnance
WTG	Wind turbine generator

Glossary of Terminology

Array area	The offshore wind farm area, within which the wind turbine generators, array cables, platform interconnector cable, offshore substation platform(s) and/or offshore converter platform will be located.
Array cables	Cables which link the wind turbine generators with each other, the offshore substation platform(s) and/or the offshore converter platform.
Landfall	The location where the offshore export cables come ashore at Kirby Brook.
Offshore converter platform	Should an offshore connection to a third party HVDC cable be selected, an offshore converter platform would be required. This is a fixed structure located within the array area, containing HVAC and HVDC electrical equipment to aggregate the power from the wind turbine generators, increase the voltage to a more suitable level for export and convert the HVAC power generated by the wind turbine generators into HVDC power for export to shore via a third party HVDC cable.
Offshore export cables	The cables which bring electricity from the offshore substation platform(s) to the landfall, as well as auxiliary cables.
Offshore substation platform(s)	Fixed structure(s) located within the array area, containing HVAC electrical equipment to aggregate the power from the wind turbine generators and increase the voltage to a more suitable level for export to shore via offshore export cables.

Platform interconnector cable	Cable connecting the offshore substation platforms (OSP); or the OSP and offshore converter platform (OCP)
Safety zones	A marine zone outlined for the purposes of safety around a possibly hazardous installation or works / construction area
Scour protection	Protective materials to avoid sediment being eroded away from the base of the wind turbine generator foundations and offshore substation platform (OSP) or / and offshore converter platform (OCP) foundations as a result of the flow of water.
The Applicant	North Falls Offshore Wind Farm Limited (NFOW).
The Project Or 'North Falls'	North Falls Offshore Wind Farm, including all onshore and offshore infrastructure.
Wind turbine generator (WTG)	Power generating device that is driven by the kinetic energy of the wind

1. Introduction

1.1 Background

1. This Statement of Common Ground (SoCG) has been prepared by North Falls Offshore Wind Farm Limited (NFOW) (the Applicant) and the Marine Management Organisation (MMO). It identifies areas of North Falls Offshore Wind Farm (hereafter 'the Project' or 'North Falls') where matters are agreed, not agreed or that remain under discussion between the parties.
2. The Applicant has had regard to the Planning Inspectorate (2024) guidance regarding Statements of Common/Uncommon Ground for Hearings and Inquiries when compiling the SoCG.
3. This SoCG has been structured to reflect topics of the application which are of interest to the MMO. The applicable matters considered within the SoCG apply to the MMO statutory and non-statutory remit.
4. Table 1.1 presents the topics included in the SoCG with the Applicant and the MMO.

Table 1.1 Topics included in the SoCG

Topic/ Document	DCO Document Reference
Development Consent Order (DCO)	REP3 REP7-008007/-0098
Site Characterisation Report	APP-261
Environmental Statement (ES) Chapter 8 Marine Geology, Oceanography and Physical Processes	APP-022
ES Chapter 9 Marine Water and Sediment Quality	APP-023
ES Chapter 10 Benthic and Intertidal Ecology	APP-024
ES Chapter 11 Fish and Shellfish Ecology	APP-025
ES Chapter 12 Marine Mammals	APP-026
ES Chapter 14 Commercial Fisheries	APP-028
In Principle Monitoring Plan	APP-245 REP7 -022/-023
Draft Marine Mammal Mitigation Protocol	REP6-029/-030 REP3 -013/4
Outline Fisheries Liaison and Co-existence Plan	APP-244 REP7 -021/-022

5. The MMO defers the following topics:

- Ornithology to Natural England;
 - Offshore archaeology to Historic England;
 - Seascape, Landscape and Visual to Historic England and the Local Planning Authorities; and
 - Shipping and Navigation to the Maritime and Coastguard Agency and Trinity House.
6. The MMO will continue to be part of discussions on these topics where it pertains to the Deemed Marine Licences and this will be reflected in Section 2.1.
 7. Topic specific matters agreed, not agreed, and matters that remain under discussion between the Applicant and the MMO are included within this SoCG. Matters that are not yet agreed will be the subject of ongoing discussion between the Applicant and the MMO to reach agreement on each matter whatever possible or refine the extent of disagreement between parties.
 8. It is the intention that this document provides the Planning Inspectorate with a clear overview of the level of common ground between both parties. This document will be updated if any additional points are identified or any positions change during the course of the Examination.

1.2 Consultation with MMO

9. The Applicant has engaged with the MMO on the Project during the pre-Application process, both in terms of informal non-statutory engagement and statutory consultation carried out pursuant Section 42 of the Planning Act 2008.
10. During the statutory (Section 42) consultation, the MMO provided comments on the Preliminary Environmental Information Report (PEIR) by way of letter dated 14th July 2023.
11. Further to the statutory consultation, several meetings were held with the MMO through the Evidence Plan Process (EPP) (Table 1.2). Further information on consultation with the MMO is provided in the Consultation Report [APP-215] and ES Chapters listed in Table 1.1.

Table 1.2 Summary of Evidence Plan Process Meetings with the MMO

Date	Topic
5 th July 2021	Expert Topic Group (ETG) to introduce the Project and to summarise the information in the Environmental Impact Assessment (EIA) Scoping Report regarding marine geology, oceanography and physical processes; marine water and sediment quality; benthic and intertidal ecology; and fish and shellfish ecology.
9 th July 2021	ETG to introduce the Project and to summarise the information in the EIA Scoping Report regarding marine mammals.
20 th June 2022	Key milestones for the Project and approach to characterising the seabed baseline environment

Date	Topic
19 th October 2023	Project updates and discussions on key Preliminary Environmental Information Report (PEIR) feedback regarding marine geology, oceanography and physical processes; marine water and sediment quality; and benthic and intertidal ecology.
2 nd November 2023	Project updates and discussions on key Preliminary Environmental Information Report (PEIR) feedback regarding marine mammals and fish ecology.
31 st January 2025	Catch up call
14 th April 2025	Catch up & discussion of SOCG
<u>15th May 2025</u>	<u>Catch up & discussion of SOCG</u>
<u>11th June 20425</u>	<u>Catch up & discussion of SOCG</u>

1.3 Summary of Agreed, Not Agreed and In Discussion

12. In order to easily identify whether a matter is ‘agreed’, ‘not agreed’, or ‘in discussion’ the position status colour coding system set out in Table 1.3 is used in the SoCG.

13. Details of specific topics that are ‘agreed’, ‘not agreed’, or ‘in discussion’ between the Applicant and MMO are presented in Table 1.3.

Table 1.3 Position status key

Position Status	Position Colour Coding
Agreed. The matter is considered to be agreed between the parties.	Agreed
Not Agreed- no material impact The matter is not yet agreed between the parties however the outcome of the approach taken by either the Applicant and MMO is not considered to result in a material impact to the assessment conclusions and the matter is considered to be closed for the purposes of this SoCG. Discussion on these matters have concluded.	Not Agreed - no material impact
Not Agreed- material impact The matter is not agreed between the parties and the outcome of the approach taken by either the Applicant and MMO is considered to result in a materially different impact to the assessment conclusions. Discussions on these matters have concluded.	Not Agreed- material impact
In discussion The matter is neither ‘agreed’ nor ‘not agreed’ and is a matter where further discussion is required between the parties (e.g. where the documents are yet to be shared with MMO).	In discussion

2. Statement of Common Ground

14. A summary of the consultation undertaken to date with the MMO and the matters agreed or not agreed between the Applicant and the MMO (based on discussions and information exchanged between the Applicant and MMO to date) are set out below for each of the SoCG topic areas.

2.1 Development Consent Order

Table 2.1 Topics agreed, in discussion or not agreed in relation to the Development Consent Order

ID	The Applicant Position	MMO Position	Position Summary
1	<p>Article 5 (Benefit of the Order)</p> <p>The Applicant's position is that the scope and drafting in article 5 (Benefit of the Order) of the draft DCO is appropriate and includes notification to the PLA in the event of activities to the extent they affect the PLA (and the other local harbour authorities). This is secured in condition 16 and 17 of the DML in Schedule 9, which has been expanded in its update at Deadline 7 (Document Reference 6.1, Rev 8). Moreover, the PLA (as a local harbour authority) must be consulted on, per condition 22(1)(h) and new condition 37 proposed by the PLA and included in the updated dDCO.</p>	<p>The MMO understands that this is drafted in a similar way to previous consents granted by the Secretary of State (SoS), however the MMO has major concerns over the wording.</p>	<p>In discussion Not Agreed - no material impact Disagree</p> <p>The Applicant provided a response on this matter at Deadline 1 in the Applicant's Responses to Relevant Representations Received from Statutory Consultees and Non Prescribed Consultees [REP1-044]. Applicant's Response to ExA's Second Written Questions (ExQ2) [REP5-054] and the Applicant's Response to Deadline 7 submissions.</p> <p>The MMO responded on this matter in Comments on Pre-Examination Procedural Deadline Submissions, comments on the updated DCO/ Deemed Marine Licences (DMsL) and comments on the Statement of Common Ground [REP2-043] and in their Additional Submission ([AS-051], ref MMO-83) and Responses to ExQ2 [REP5-054], Responses to ExQ3 [REP7-051], Comments on the ExA's schedule of changes to the dDCO [REP7-035] and Comments on any submissions received at the previous deadline [REP7-060].</p>
2	<p>Authorised activities under the DCO and DMLs</p> <p>It is an essential component of EIA that the assessment is proportionate, allowing for knowledge of likely significant effects and for their control as appropriate. The EIA regime does not exist to elucidate on and control every effect, regardless of its level of significance, and nor is that the intention of the EIA legislation. On that basis, allowing actions which can be demonstrated not to have materially new or different</p>	<p>The MMO strongly considers that the activities authorised under the DCO and DML should be limited to those that are assessed within the EIA, and the statement that the activities authorised under the DCO and DML should be limited to those that are assessed within the EIA, and the statement that activities will be limited to those that 'do not give rise to any materially new or materially</p>	<p>Agreed</p> <p>The Applicant provided a response on this matter at Deadline 1 in the Applicant's Responses to Relevant Representations Received from Statutory Consultees and Non Prescribed Consultees [REP1-044].</p> <p>The MMO responded on this matter in Comments on Pre-Examination Procedural Deadline Submissions,</p>

ID	The Applicant Position	MMO Position	Position Summary
	<p>environmental effects cannot be contrary to the EIA regime or the purpose of legislation underpinning it. If an effect is not materially new or different, it cannot rise to the level of there being a risk of a significant effect not assessed in the EIA.</p> <p>This draft DCO wording is well-precedented and has been recently deemed to be acceptable by the Secretary of State. It is included in the Sheringham Shoal and Dudgeon Extension Projects Offshore Wind Farm Order 2024, where it is included in Part 1 of the DMLs for that Order.</p>	<p>different environmental effects' should be updated to clarify this.</p> <p>On this occasion the MMO is content with the wording of 'materially new or materially greater environmental effects' and this is reflected in our Deadline 4 response.</p>	<p>comments on the updated DCO/DML and comments on the Statement of Common Ground [REP2-043].</p> <p>The Applicant responded to REP2-043 in the Applicant's comments on other Deadline 2 submissions and Applicant's responses on comments to Relevant Representations [REP3-038].</p>
3	Other DCO and DML matters	See Relevant Representation	<p>In discussion</p> <p>The Applicant provided responses on these matters at Deadline 1 in the Applicant's Responses to Relevant Representations Received from Statutory Consultees and Non-Prescribed Consultees (Document Reference: 9.2).</p> <p>The MMO responded in Comments on Pre-Examination Procedural Deadline Submissions, comments on the updated DCO/DML and comments on the Statement of Common Ground [REP2-043] and in their Additional Submission ([AS-051], ref MMO-83).</p> <p>The Applicant responded to REP2-043 in the Applicant's comments on other Deadline 2 submissions and Applicant's responses on comments to Relevant Representations [REP3-038].</p>
34	<p><u>Outline Offshore O&M Plan conditions for review and resubmission</u></p> <p><u>An updated version is being submitted at Deadline 8 saying that the methodological relevance of the OOMP will be fully reviewed every 5 years, with midway-reviews taking place every 3 years to assess any new aspect of maintenance activities identified through preliminary results during operation.</u></p>	<p><u>Any changes identified after the review period covered within Conditions 13 and 31, should be updated in a new version of the O&M plan and submitted for approval and the updates could not be utilised until approval has been provided.</u></p>	<p><u>Agreed</u></p>

ID	The Applicant Position	MMO Position	Position Summary
<u>54</u>	<p><u>PostConstruction Monitoring condition for notification ceasing piling of-if larger impact than assessed and or-the mitigation failure</u></p> <p>The Applicant is confident in its assessment and mitigation measures. However, in recognition of MMO's concerns the Applicant has agreed that they will cease piling if the monitoring shows the levels exceed those assessed or the mitigation fails.</p> <p>The MMO sought some amendments at D6, but Applicant has clarified in (Applicant's Response to Deadline 6 Submissions [REP7-053]in responses to D6 submissions) that the wording is accurate, as it ensures that piling must only ceased if the impacts are worse than those assessed / mitigation fails (not simply different - as that would mean having to cease piling even if there are less impacts)</p>	<p>If it is identified while compiling the report that there has been a larger impact or the mitigation has failed, the MMO must be notified prior to receiving the report (i.e. less than six week) to ensure changes are implemented for the remaining piling.</p>	<u>In discussionAgreed</u>
<u>65</u>	<p><u>Notification of the commencement of the licensed activities</u></p> <p>The Applicant has met the MMO's practical concerns regarding notification, and incorporated at Deadline 6 into condition 15, 16 and 15 of Schedule 8, 9, 10, respectively the extended 14 day notification requirement.</p>	<p>Notify the MMO Local Office in writing at least 14 days prior to the commencement of licensed activities to ensure that the coastal enforcement team have enough time to prepare a desk-based assessment within the operational phase along with a notification to NE for awareness.</p>	<u>Agreed</u>
<u>6</u>	<p><u>Chemical risk register</u></p> <p>The Applicant updated the dDCO at Deadline 6 [REP6-005] 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</p>	<p>A list of chemicals likely to be use in the Project should be provided as early as possible. The MMO would expect that this information could be provided at the same time as the submission of the PEMP. Any additional chemicals requiring ad hoc assessment would then require a standard timeline of 10 weeks for approval.</p>	<u>Agreed</u>

ID	The Applicant Position	MMO Position	Position Summary
<u>7</u>	<p><u>Fisheries Seasonal Restriction</u></p> <p>The Applicant does not consider it necessary to condition the fisheries restriction in the DML, as the PEMP is appropriately secured in the DML and the Outline PEMP addresses the seasonal restriction, and is a certified document under the DCO and which the PEMP will accord with.</p>	<p>The MMO believes that any project restriction should be on the face of the DML as this is a clear commitment at this stage.</p> <p>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. The MMO notes this is now for the SoS to decide.</p>	Not agreed – material impact
<u>8</u>	<p><u>Noise abatement and reduction commitment -Condition 22(1)(g)</u></p> <p>The Applicant does not consider it necessary to condition NAS in the DML, as the MMMP is appropriately secured in the DML and must accord with the draft MMMP which is certified under the DCO, and which addresses noise reduction methods and their proposed application to the Project, including updates made to address comments raised by Natural England and the MMO at previous deadlines. The Applicant also notes that the current drafting aligns with the drafting in the DCOs as made for Mona and Sheringham and Dudgeon Extension Projects</p>	<p>The MMO notes that NE do still not agree with the commitment to NAS</p> <p>The MMO proposed updated wording in paragraph 6.1.4 of REP7-080 which had been agreed with NE and is in line with other offshore wind farms.</p> <p>The MMO notes the Applicant may have not been able to comment on this due to the late stage of examination and has included it within the SoCG DML section for completeness but as N/A as the MMO defers to NE on this concern.</p>	N/A

2.2 Certified Plans and Other Documents

Table 2.2 Topics agreed, in discussion or not agreed in relation to Development Consent Order Documents

ID	The Applicant Position	MMO Position	Position Summary
In Principle Monitoring Plan			

ID	The Applicant Position	MMO Position	Position Summary
1	Benthic and Intertidal Ecology Monitoring the condition of infrastructure (e.g. flaking paint) described in the In Principle Monitoring Plan is appropriate. It is not in the Project's interests to have flaking paint and exposed metal surfaces due to the potential for infrastructure to become damaged. Therefore, there will be minimal flaking paint and no further monitoring or research of paint flakes is required.	S56 - point 5.4.4 - Should a robust assessment of surficial sediment bound paint flakes be undertaken during pre-construction monitoring (even if this solely involves the collection, storage and / or provision of samples to collaborators for this purpose) a robust comparison of the sediment bound paint flakes could be made in the future. Adequate sampling of the pre-construction condition is a pre-requisite for robust comparison with post-construction condition, and the MMO would encourage the Applicant to seek opportunities for collaboration between researchers and industry to ensure that the opportunity to investigate this relatively recently identified potential impact to benthic ecology (see Tagg et al., 2024) is not missed	Agreed In their Additional Submission ([AS-051], ref MMO-151) the MMO notes that they have no further comments.
2	Benthic and Intertidal Ecology Monitoring of changes to biogenic or geogenic reef features, as described in the In Principle Monitoring Plan, is appropriate. Subject to the findings of the pre-construction surveys to determine presence of biogenic or geogenic reef features, post-construction benthic monitoring whereby 10% of the Wind Turbine Generator foundations are proposed to be surveyed (grab sampling) to assess change from the pre-construction condition	Agreed	Agreed
3	Benthic and Intertidal Ecology Monitoring spread of marine non-native species on the infrastructure described in the In Principle Monitoring Plan is appropriate and consistent with other consented projects, such as Dudgeon and Sheringham Shoal Extension Projects.	The MMO recommends that the Applicant considers collecting scrape samples and assesses imagery from infrastructure monitoring alongside grab sampling to determine the presence and composition of the Invasive Non-Native Species assemblage that may colonise WTG infrastructure. <u>The MMO believes this would be beneficial and if there is any concern post consent on INNS then this can be</u>	<u>In discussion</u> Not agreed - no material impact

ID	The Applicant Position	MMO Position	Position Summary
	Grab sample data will be analysed to determine species composition and the presence of any marine non-native species.	<u>discussed as part of any adaptive management but this is not a major concern as there is INNS taking place.</u>	
4	<p>Marine Mammals</p> <p>Monitoring of underwater noise, as described in the In Principle Monitoring Plan, is appropriate.</p> <p>The build out sequence of North Falls will need to ensure safety of mariners. For the first four piles to be the worst case for underwater noise, this could lead to piles being scattered around the array area which could have safety implications for shipping traffic.</p> <p><u>Monitoring of piling noise is secured in condition 26(2)/27(2) of the DMLs [REP7-007].</u></p>	<p>The MMO would like the report updated to ensure a commitment that the first four piles monitored would be the worst-case scenario piles. Monitoring of less impactful piles would not validate the predictions of the worst case scenario within the ES.</p> <p><u>The MMO is continuing discussions on this with NE and has no updated Condition wording for this examination.</u></p> <p><u>However, the MMO accepts this is not always feasible. The MMO has requested discussion at the post consent stage as part of the IPMP submission on any potential for at least one pile having a larger impact which has been possible on other projects.</u></p> <p><u>The MMO believes this is not agreed but no material impact.</u></p> <p><u>and does not currently have an alternative proposal. Therefore the commitment in the draft DCO is accepted with regards to "where piled foundations are to be employed, unless otherwise agreed by the MMO in writing, details of proposed monitoring of the noise generated by the installation of the first four piled foundations of each piled foundation type to be constructed collectively under this licence and the deemed marine licences granted under Schedules 9 and 10 of the Order"</u></p>	<p>In discussion<u>Disagree</u><u>Not Agreed - no material impact</u></p> <p>In their Additional Submission ([AS-051], the MMO states they are currently reviewing this condition with the SNGB after feedback that the monitoring requested and timing of information provided is not fit for purpose. The MMO will provide an update as soon as possible</p>
Draft Marine Mammal Mitigation Protocol			
5	<p>Marine Mammals</p> <p>Mitigation of the risk of auditory injury to marine mammals, as presented in the</p>	<p>See Relevant Representation comments on the MMMP</p> <p>The MMO requests that a specific section regarding noise abatement is added to the MMMP. At this stage the MMO considers there is clear justification and</p>	<p>In discussion</p> <p>The Applicant updated the draft MMMP [REP3-013/14] and the MMO will provide comments at Deadline 4.<u>Agreed</u></p>

	<p>Marine Mammal Mitigation Protocol (MMMP) is appropriate.</p> <p><u>A section on noise abatement has been-is now included in the draft MMMP-rev 4 -of Document Reference 7.7 [REP65-04329], (see Section 1.3.2.8) submitted at Deadline 5XXX and with wording included in accordance with advice from the MMO.</u></p>	<p>evidence that noise abatement measures will be required for the project, to reduce the risk of potential impact on marine receptors. (4.12.1)</p> <p>The MMO notes that the methods for reducing the potential impacts of any Unexploded Ordnance (UXO) clearance will be agreed with the MMO in consultation with the relevant SNCBs and will be secured as commitments within the final MMMP. The MMO welcomes that further discussion on this matter will take place before the finalisation of the MMMP. (4.12.3). <u>The MMO notes that UXO will be subject to a separate Marine licence which is welcomed.</u></p> <p><u>The MMO welcomes the updates at Deadline 6 and has no outstanding concerns.</u></p> <p>The MMO does not agree that as mitigation will be carried prior to each pile. Mitigation should be based on the potential for effect from each individual pile, rather than the total piles to be installed within 24 hours. Even if mitigation is required prior to piling at each location (which is, nevertheless, standard practice), this does not negate the fact that an animal may still be exposed (to underwater noise) more than once from multiple piles. The Developer should put forward an appropriate justification to explain why the cumulative sound exposure of two piles is not required in their MMMP. In the absence of a sufficient argument, the MMO strongly recommends that mitigation is required prior to piling of foundations at each pile location, and the mitigation requirements should be based on the predicted PTS ranges for the cumulative exposure for three monopiles and six pin piles installed sequentially (or whatever the finalised worst case number of monopiles/pin piles installed in 24 hours will be). (5.7.6)</p>	
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ID	The Applicant Position	MMO Position	Position Summary
<u>6</u>	<u>The Marine Mammal Mitigation Protocol (MMMP) has been amended. The Applicant noted the MMO's comment and amended the Draft MMMP rev 1 at Deadline 3 so that the sequential piling impact results are presented, and mitigation measures are based on these. This has been amended in Section 1.3 [REP6-029].</u>	The MMO does not agree that as mitigation will be carried <u>out</u> prior to each pile, m. Mitigation should be based on the potential for effect from each individual pile, rather than the total piles to be installed within 24 hours. Even if mitigation is required prior to piling at each location (which is, nevertheless, standard practice), this does not negate the fact that an animal may still be exposed (to underwater noise) more than once from multiple piles. The Developer should put forward an appropriate justification to explain why the cumulative sound exposure of two piles is not required in their MMMP. In the absence of a sufficient argument, the MMO strongly recommends that mitigation is required prior to piling of foundations at each pile location, and the mitigation requirements should be based on the predicted PTS ranges for the cumulative exposure for three monopiles and six pin piles installed sequentially (or whatever the finalised worst-case number of monopiles/pin piles installed in 24-hours will be). (5.7.6)	<u>Agreed</u> <u>In their submission at Deadline 4 [REP4-078], reference 4.2.9, the MMO notes the amendments to Section 1.3 of the Draft MMMP so that the sequential piling impact results are presented and mitigation measures are based on these.</u> <u>Final agreement was presented in their submission at Deadline 6 [REP6-082]. MMO ref 4.4 REP4-079 j - 4.2 Comments on the updated Draft Marine Mammal Mitigation Protocol (MMMP) [REP3-014 – Tracked] (Para 4.2.1-4.1.17) Section 4.4.1 The MMO welcomes the updates to the MMMP and SIP document.</u>
Outline Fisheries Liaison and Co-existence Plan			
<u>67</u>	The mitigation secured in the Outline Fisheries Liaison and Co-existence Plan is appropriate. <u>An updated version of the Outline Fisheries Liaison and Coexistence Plan [Document Reference 7.9, Rev1, REP4-018/ REP4-019] submitted at Deadline 4, included amended wording.</u>	The MMO requests that the text in Section 1.2 paragraph 10 is updated to remove the word 'material'. All changes to the Fisheries Liaison and Co-existence Plan must be submitted to the MMO for approval. It should also be clear within this document that the MMO will not be an arbitrator or part of any discussions on compensation matters and this should be updated during examination.	<u>In discussion</u> <u>Agreed</u>

ID	The Applicant Position	MMO Position	Position Summary
		The MMO notes this has been updated further at Deadline 7 REP7-021 and has no outstanding concerns.	
HRA Compensation			
78	Outline Compensation Implementation and Monitoring Plans <p>The compensation proposals presented in the following documents are appropriate:</p> <ul style="list-style-type: none"> Appendix 2 Lesser Black-backed Gull Compensation Document REP4REP6-048-011 / REP4REP6-047012 Annex 2A Outline Lesser Black-backed Gull Compensation Implementation and Monitoring Plan REP4REP6-020-013 / REP4REP6-049014 Appendix 3 Red Throated Diver Compensation Document REP4REP6-022-015 / REP4REP6-024016 Annex 3A Outline Red Throated Diver Compensation Implementation and Monitoring Plan REP4REP6-024-017 / REP4REP6-023018 Appendix 4 Kittiwake Compensation Document REP2REP6-042-019 / REP2REP6-044020 Annex 4A Outline Kittiwake Compensation Implementation and Monitoring Plan REP4REP6-026-021 / REP4REP6-025022 	The MMO defers to Natural England on matters relating to ornithology.	N/A

ID	The Applicant Position	MMO Position	Position Summary
	<ul style="list-style-type: none"> Appendix 5 Guillemot and Razorbill Compensation Document REP4REP6-028-023 / REP4REP6-027024 Annex 5A Outline Guillemot and Razorbill Compensation Implementation and Monitoring Plan REP4REP6-030-025 / REP4REP6-029026 		

2.3 Sediment Disposal and Landfall Drilling

Table 2.3 Topics agreed, in discussion or not agreed in relation to Sediment Disposal and Landfall Drilling

ID	The Applicant Position	MMO Position	Position Summary
1	<p>Site Characterisation Report [REP7-033/-034]</p> <p>Following consultation with the MMO, the Applicant is proposing a combined cable corridor disposal site with Five Estuaries Offshore Wind Farm, once the projects are adjacent to each other, and the offshore cable corridors for the two projects overlap.</p> <p>is refining disposal as a result of Relevant Representations from stakeholders on various topics and will consult the MMO in due course. The disposal from each project will be confined to the relevant Order Limits and associated conditions in the DCO.</p> <p>Therefore, disposal for North Falls will be within either the North Falls array area or the North Falls offshore cable corridor, as they are to be designated as two individual disposal sites.</p>	<p>The MMO has yet to comment on the site characterisation report submitted with the DCO Application.</p> <p>The MMO provided additional comments within REP7-080 in relation to this document and notes the Applicant provided further updates to the SCR at Deadline 7 – REP7-033.</p> <p>The MMO is largely content with the information within the REP7-033, any further updates would only be linked with the disposal site designation and therefore does not believe that this stops the document being certified. The disposal site designation will continue into the post consent phase.</p>	<p><u>In discussion-Not Agreed – no material impact</u></p>
2	<p>Site Characterisation Report</p> <p>The assessment of landfall works and proposed mitigation is appropriate</p>	<p>The MMO does not consider the implementation of embedded mitigations to be robust and would expect to see further consideration of mitigations.</p> <p><u>The MMO is content with the mitigation of the document.</u></p>	<p><u>In discussion-Agreed</u></p> <p>The Applicant is unclear what additional mitigation the MMO is suggesting.</p> <p>The MMO will provide an update following review of the survey data provided in February 2025.</p>

2.4 Marine Geology, Oceanography, Physical Processes and Sediment and Water Quality

Table 2.4 Topics agreed, in discussion or not agreed in relation to Marine Geology, Oceanography and Physical Processes and Marine Water and Sediment Quality

ID	The Applicant Position	MMO Position	Position Summary
1	The site specific surveys informing Marine Geology, Oceanography and Physical Processes are appropriate.	Subject to receipt of data in the requested format	<u>In discussion-Agreed</u> Data in the MMO's requested format was provided by email on the 18 th February.
2	The approach to contaminants analysis is appropriate	Subject to receipt of data in the requested format	<u>In discussion-Agreed</u> Data in the MMO's requested format was provided by email on the 18 th February.
3	The methodology for the impact assessment for Marine Geology, Oceanography and Physical Processes is appropriate	Agree	Agreed
4	The receptors scoped into the EIA for Marine Geology, Oceanography and Physical Processes are appropriate	Agree	Agreed
5	The conclusions of the Marine Geology, Oceanography and Physical Processes assessment are appropriate	Agree	Agreed

2.5 Benthic and Intertidal Ecology

Table 2.5 Topics agreed, in discussion or not agreed in relation to Benthic and Intertidal Ecology

ID	The Applicant Position	MMO Position	Position Summary
1	The EIA baseline characterisation site specific surveys for Benthic and Intertidal Ecology are appropriate	The Agree	Agreed
2	The methodology for the impact assessment for Benthic and Intertidal Ecology is appropriate	Agree	Agreed
3	The receptors scoped into the EIA for Benthic and Intertidal Ecology are appropriate	Agree	Agreed
4	The conclusions of the Benthic and Intertidal Ecology EIA are appropriate	Agree	Agreed
5	The conclusions of the Benthic shadow Appropriate Assessment are appropriate	Defer to Natural England	N/A
6	North Falls will not hinder the conservation objectives of the Kentish Knock East Marine Conservation Zone	Defer to Natural England	N/A
7	North Falls will not have an adverse effect on the integrity of the Margate and Long Sands Special Area of Conservation.	Defer to Natural England	N/A

2.6 Fish and Shellfish Ecology and Commercial Fisheries

Table 2.6 Topics agreed, in discussion or not agreed in relation to Fish and Shellfish Ecology and Commercial Fisheries

ID	The Applicant Position	MMO Position	Position Summary
1	<p>Characterisation of the Existing Environment for Fish and Shellfish Ecology is appropriate.</p> <p><u>In response to the MMO's comments, the Applicant has included in the Outline PEMP [XXXREP6-013 / REP6-014] commitment to further data collection/analysis that would be undertaken if the winter piling restriction for herring is to be refined post consent. Mitigation is agreed in principle. The MMO's position regarding including the seasonal restriction in the DCO as well as the PEMP is not agreed.</u></p>	<p>The MMO notes that the Applicant has used generally appropriate data sources to inform their assessment for fish.</p> <p>The North Sea Sandeel Survey (NSSS) data could have also been used to supplement the characterisation of sandeel habitat for the ES.</p> <p>Some clarifications and corrections are also needed were requested <u>during Examination</u> regarding the Applicant's potential herring spawning habitat and potential sandeel habitats 'heat' maps which have been presented to support the habitat suitability assessments.</p> <p><u>The MMO welcomes the update to the PEMP in and the inclusion of the seasonal restriction. The MMO agrees the characterisation of the Existing Environment and has agreed this line. However the MMO believes a seasonal should be on the face of the DML – please see ID7 in Table 2.1 above.</u></p>	<p>In-discussion</p> <p>The Applicant provided a response on these matters at Deadline 1 in the Applicant's Responses to Relevant Representations Received from Statutory Consultees and Non Prescribed Consultees (Document Reference: 9.2). Agreed in principle</p>
2	The methodology for the impact assessment for Fish and Shellfish Ecology is appropriate	As above	Agreed In-discussion
3	The receptors scoped into the EIA Fish and Shellfish Ecology are appropriate	Agree	Agreed
4	The conclusions of the EIA regarding fish ecology are appropriate	Subject to responses to ID 1	Agreed In-discussion
5	The conclusions of the EIA regarding shellfish are appropriate	Agree	Agreed
6	<p>The mitigation regarding fish and shellfish ecology is appropriate.</p> <p><u>See also ID 1 above.</u></p>	<p>The MMO supports the Applicant's acceptance of a temporal piling restriction during the Downs herring spawning season, however the Applicant's commitment to the piling restriction is framed as "restricting piling activities during a suitable period of time between</p>	In-discussion Agreed

ID	The Applicant Position	MMO Position	Position Summary
		the 1 November and 31 January” which the MMO maintains is unacceptable.	
7	The conclusions of the EIA regarding commercial fisheries are appropriate	Agree	Agreed
8	The mitigation regarding commercial fisheries is appropriate	See Section 2.2 comments re. Outline Fisheries Liaison and Co-existence Plan	In-discussion <u>Agreed</u>

2.7 Marine Mammals

Table 2.7 Topics agreed, in discussion or not agreed in relation to Marine Mammals

ID	The Applicant Position	MMO Position	Position Summary
1	Characterisation of the Existing Environment for Marine Mammals is appropriate	Agree	Agreed
2	The methodology for the impact assessment for Marine Mammals is appropriate	Agree (excluding underwater noise, see below)	Agreed (excluding underwater noise, see below)
3	<p>The methodology for underwater noise modelling is appropriate</p> <p><u>The Applicant provided a response on this matter at Deadline 1 in the Applicant's Responses to Relevant Representations Received from Statutory Consultees and Non Prescribed Consultees [REP1-044].</u></p> <p><u>Mitigation is agreed in principle. The MMO's position regarding including NAS in the DCO as well as the dMMMP and oSIP is not agreed (see Table 2.1, ID8).</u></p>	<p>See Relevant Representation comments 5.7.18 to 5.7.20</p> <p><u>The MMO is content with the plots for Comparable Hammer Strike Energies provided in Appendix B.</u></p> <p><u>In [REP6-082], the MMO welcomed the update to the MMMP and SIP document however proposed updates to Condition 22(1)(g) in relation to noise abatement/reduction. The methodology is agreed and only outstanding is the DML condition. Please see ID8 in Table 4-22.1 above.</u></p>	<p>In-discussionAgreed in principle</p> <p>The Applicant provided a response on this matter at Deadline 1 in the Applicant's Responses to Relevant Representations Received from Statutory Consultees and Non Prescribed Consultees [REP1-044].</p> <p>In their Comments on any submissions received at the previous deadline Additional Submission [AS-051REP6-082], the MMO welcomes the update to the MMMP and SIP document notes the Applicant's response and confirms they will provide an update at Deadline 53.</p>
4	The receptors scoped into the EIA Marine Mammals are appropriate	Agree	Agreed
5	<p>The conclusions of the Marine Mammals EIA are appropriate.</p> <p>Justification on the magnitudes are provided in the Further Information</p>	<p>The MMO would question the 'Medium' rating for harbour porpoises, especially when 1,981 individuals are predicted to be at risk of PTS (refer to Table 1.7). Similarly, for TTS, the assessment concludes that for the high-order detonation of the maximum potential UXO with an NEQ of 750kg plus donor charge, the</p>	Agreed

ID	The Applicant Position	MMO Position	Position Summary
	Regarding Marine Mammals [REP1-057] submitted at Deadline 1.	magnitude for TTS is assessed as a worst-case scenario (Table 1.8) to be 'Low' for harbour porpoises and minke whales, 'Negligible' for grey seals, and 'Negligible to low' for harbour seals. For harbour porpoises, a total of 6,832 individuals are at risk of TTS, which casts doubt on the 'Low' magnitude rating.	In their Additional Submission ([AS-051], MMO-199) the MMO states they have no further comments.
6	The conclusions of the Marine Mammals shadow Appropriate Assessment are appropriate	Defer to Natural England	N/A
7	Mitigation of disturbance to harbour porpoise from the Southern North Sea Special Area of Conservation, as presented in the Site Integrity Plan is appropriate	Defer to Natural England	N/A
8	UXO clearance will be subject to a separate Marine Licence and mitigation will be agreed and secured through that process	Agree	Agreed

3. Signatures

~~15-17.~~ The above SoCG is agreed between the Applicant and MMO on the day specified below.

Signed: _____



Print Name: _____: Rebecca
Reed

Job Title: Marine Licensing Senior Case
Manager

Date: _____: 23 July
2025

Duly authorised for and on behalf of the MMO

Signed: _____

Print Name: _____

Job Title: _____

Date: _____

Duly authorised for and on behalf of the Applicant