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(Email only)

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

16 December 2025

Dear Wendy McKay,

Planning Act 2008, Proposed North Falls Offshore Wind Farm Project Order Secretary of State's Request for Information

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.

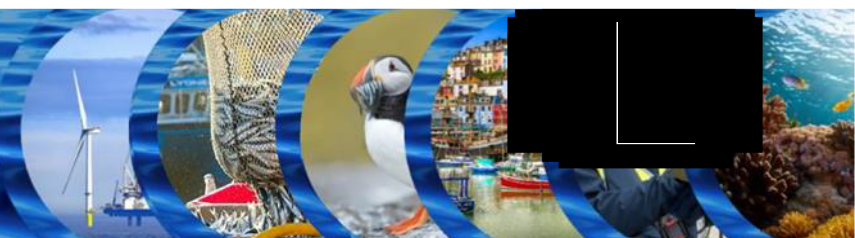
As a marine licence has been deemed within the draft DCO, the MMO is the delivery body responsible for post-consent monitoring, variation, enforcement, and revocation of provisions relating to the marine environment. As such, the MMO has an interest in ensuring that provisions are drafted in a DML that enable the MMO to fulfil these obligations.

This document comprises the MMO's response to the Request for Information dated 26 November 2025.



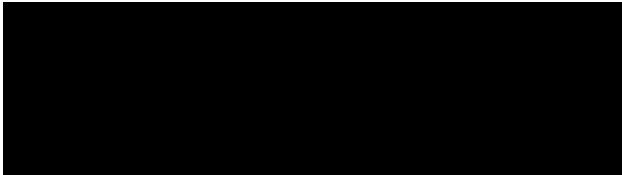
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This written representation is submitted without prejudice to any future representation the MMO may make about the DCO Application. This representation is also submitted without prejudice to any decision the MMO may make on any associated application 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

[Redacted]

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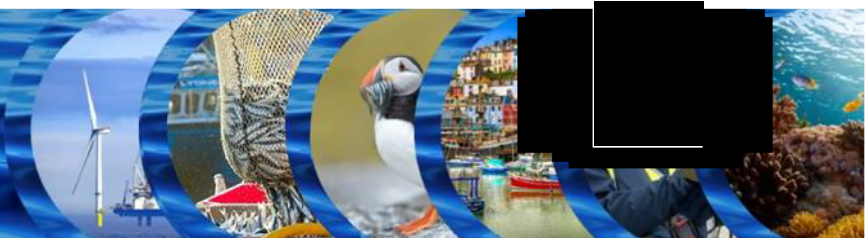
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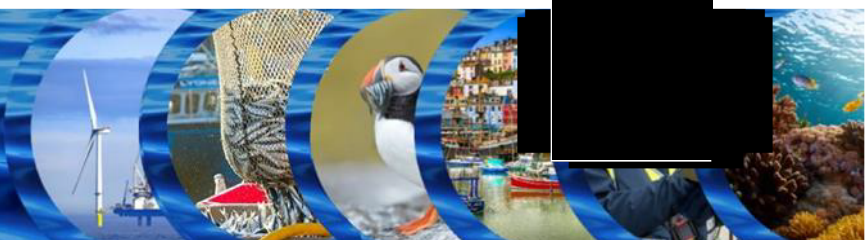
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1. Habitats Regulations Assessment And Marine Conservation Zone Assessment

1.1 Assessment of Effect in Respect to Red Throated Diver Disturbance

Paragraph 28 - The Applicant is also requested to provide without prejudice wording for a DCO condition that secures a seasonal restriction within the OTE SPA, and a mitigation strategy that allows for restrictions within 2km of the OTE SPA but provides for exemptions due to required coordination with shipping activities.

- 1.1.1 The MMO maintains a watching brief on the wording on this condition and if this will be included in the DML.

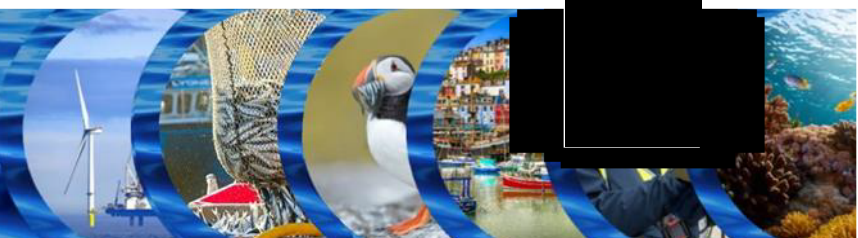
1.2 Benthic and Intertidal Ecology

Paragraph 36 - It is noted that the offshore In-Principle Monitoring Plan ("IPMP") [REP8-009] allows for post-construction monitoring of biogenic or geogenic reef features. The Applicant is requested to comment on the suitability of securing the monitoring to be completed within 12 months of construction activities, unless otherwise agreed with the MMO. The MMO and NE are also requested to identify any concerns to the timescales proposed.

- 1.2.1 The MMO believes this monitoring would be agreed during the pre-construction discharge process of the Condition 21 (j) and that further documents would be provided in relation to post construction monitoring requirements to finalise these at the time.
- 1.2.2 The MMO supports NE's position that the monitoring must be completed within 12 months of the disturbance of construction activities being completed unless otherwise agreed with the MMO. This is to ensure that in-combination impacts and recovery can be fully assessed.

Paragraph 38 - While the total volume of scour protection permitted to be installed is secured in the dDCO, according with point A25 of the Deadline 8 NE Risks and Issues Log [REP8-099] (noting no resulting issues are raised by the MMO), the Applicant, MMO and NE are requested to clarify their understanding of how the permitted replacement of scour protection during operation would be controlled. Responses may wish to include information about the circumstances in which an additional marine licence would be required, reference to the dDCO and Outline Offshore Operations and Maintenance Plan [REP8-023] and the level of scour protection replacement assessed within the ES.

- 1.2.3 As detailed in the design parameters under Schedule 1 Part 3, the total volume of scour protection material for wind turbine generator foundations must not exceed 4,882,186 cubic metres. The total volume of scour protection material for two offshore substation platforms must not exceed 50,316 cubic metres. Any proposal to install scour protection in excess of the volumes authorised under the Development Consent Order shall require the submission of a marine licence application for regulatory approval.



- 1.2.4 The MMO believes scour protection is unlikely to be replenished during the operation phase, however, has been included as part of the Offshore Operations and Maintenance Plan (OOMP) should it be identified that scour protection is required. If this is identified during operations stage then the justification and reasoning, methodology and the volume and area impacts would need to be provided and this would be subject to the maximum worst case amounts.
- 1.2.5 Any areas that don't have existing scour protection within the array can have scour protection placed within the Operation period 10 years following construction, this should be reflected in Condition 34 which should be updated to include scour protection. After 10 years a new marine licence would be required.
- 1.2.6 As part of the OOMP the Applicant will have to provide the constructed figures to ensure that is clear the amounts remaining during the operations phase. Condition 30 also states the Applicant will have to submit maintenance reports to show how much has been used during construction yearly and five yearly. This will enable all parties to be clear on the volumes and areas used to date in relation to the worst case assessment.
- 1.2.7 Although not raised during examination the following reporting of cable protection condition should be on the DML. Noting it may be too late to include this at this stage however this condition has widely been accepted by other offshore wind farm projects in relation to cable protection that the condition should be amended to include scour protection:

Reporting cable protection

27.—(1) Not more than four months following completion of the construction of the authorised scheme, the undertaker must provide the MMO and the relevant statutory nature conservation bodies with a report setting out details of the cable protection used for the authorised scheme.

(2) The report must include the following information—

(a) the location of cable protection;

(b) the volume of cable protection; and

(c) any other information relating to the cable protection as agreed between the MMO and the undertaker.

1.3 Fish and Shellfish

Paragraph 39 - In light of the progression of both herring heat mapping and further hydrodynamic and dispersion modelling during examination, the MMO (and in consultation with its advisors) is requested to provide any final comments on the suitability of the Applicant's assessment conclusions and secured mitigation with regard to effects from sediment on the Downs herring spawning grounds, noting the comments made by NE in the Deadline 8 Risks and Issues Log [REP8-099].

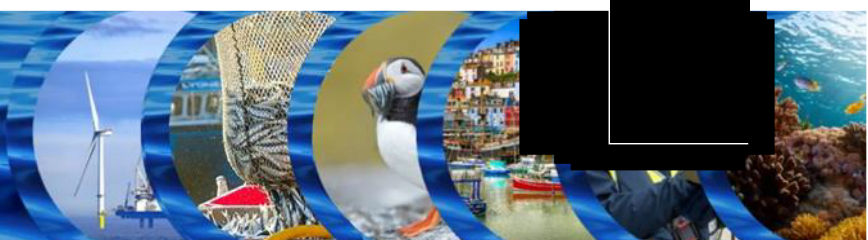


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- 1.3.1 The MMO notes that the Sandeel and Herring Habitat Heat Mapping Clarification Note [REP3-047] provides an explanation of why certain data have been included/excluded by the Applicant in their sandeel and herring spawning habitat heat mapping methods. The Applicant has provided an informative discussion on the differences between the Applicant's heat mapping methods for sandeel and herring, compared to the methods by MarineSpace (2013a for herring and 2013b for sandeel), and Kyle-Henney *et al.* (2024) and Reach *et al.*, (2024), for herring and sandeel, respectively. Useful figures accompany the note, which enable a visual comparison of the data sets included/excluded for each method. As noted by the Applicant, whilst there are some minor differences between the Applicant's heat maps and those by Marine Space (2013a and 2013b), and Reach *et al.*, (2024) and Kyle- Henney *et al.* (2024), the maps are broadly consistent with each other.
- 1.3.2 The 'Clarification Note' [REP3-047] provides further confirmation that the North Falls wind farm array is partially located in the Downs herring spawning ground. Therefore, underwater noise generated by piling activity in the array is likely to cause significant impacts to spawning herring and their eggs and larvae during the Downs herring spawning season (November to January, inclusive). In our advice for the Section 56 Consultation [RR-216], the MMO noted the Applicant's acceptance of a temporal piling restriction during the Downs herring spawning season but had concerns with the wording proposed for this restriction which was open to interpretation. The MMO notes that the wording of this restriction has now been updated – please see response to Question 2 below (1.3.4).
- 1.3.3 In our advice for the Section 56 Consultation [RR-216] we stated that we would not anticipate significant impacts on sandeel at the population level and were content that the Applicant's response on sandeel was acceptable. The MMO does not have any further concerns or comments to make in relation to sandeel.
- Paragraph 40 - The Applicant and the MMO are also requested to confirm the dates understood to be required for the piling seasonal restriction and provide commentary on the suitability of the restriction encompassing cable construction activities.*
- 1.3.4 The Mitigation proposed in Point 2.4.1 of Table 2.4 (REP3-047) states 'In order to reduce impacts to Downs herring, there will be no piling activities during 1 November and 31 January, unless otherwise agreed with the MMO.' This is appropriate and aligns with the request made in our advice for the Section 56 Consultation [RR-216] for a temporal restriction on piling during the whole of the Downs herring spawning season.



1.3.5 In respect of cable construction activities such as seabed preparation, sandwave clearance, jetting, trenching etc, a temporal restriction on such activities during the Downs herring spawning season is not required because the cable route is not located in herring spawning grounds. The exception to this would be for any piling that may be required for offshore platforms located along the export cable corridor (ECC), or any unexploded ordnance (UXO) clearance that is required along the ECC. For any piling or UXO clearance in the ECC, the MMO would expect underwater noise modelling to be presented in order to determine whether noise from these activities would impact herring and their eggs and larvae at the spawning grounds.

1.4 Marine Mammals

Paragraph 44 - The Applicant, MMO and NE are invited to comment on the proposed insertion of a new condition within the DML, in Part 2 of Schedule 9:

“Site Integrity Plan —(1) No piling activities can take place until a southern north sea special area of conservation site integrity plan (“SIP”), which accords with the principles set out in the outline southern north sea special area of conservation site integrity plan, has been submitted to, and approved in writing, by the MMO in consultation with the relevant statutory nature conservation body.

(2) The SIP submitted for approval must contain a description of the conservation objectives for the Southern North Sea Special Area of Conservation (“SNS SAC”) as well as any relevant management measures and it must set out the key statutory nature conservation body advice on activities within the SNS SAC relating to piling as set out within the JNCC Guidance and how this has been considered in the context of the authorised scheme.

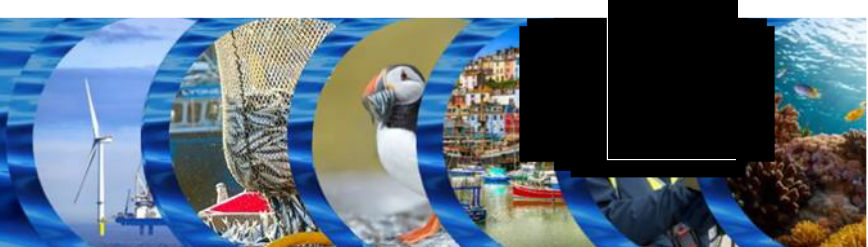
(3) The SIP must be submitted in writing to the MMO no earlier than 9 months and no later than six months prior to the commencement of piling activities.

(4) In approving the SIP, the MMO must determine whether the authorised scheme at the preconstruction stage, in-combination with other plans and projects, would be in line with the JNCC Guidance.

(5) The approved SIP may be amended with the prior written approval of the MMO, in consultation with the relevant statutory nature conservation body, where the MMO determines that the authorised development, in-combination with other plans or projects at the pre-construction stage, is in line with the JNCC Guidance”.

1.4.1 The MMO welcomes the inclusion of the SIP condition to the DML.

1.4.2 The MMO requests the inclusion of the following to the end of the condition:



(6) The licensed activities must be carried out in accordance with the SIP approved under condition (this condition number), unless otherwise agreed in writing with the MMO.

- 1.4.3 The MMO also requests that the following justification is added to the interpretations section:

“JNCC Guidance” means the statutory nature conservation body ‘Guidance for assessing the significance of noise disturbance against Conservation Objectives of harbour porpoise SACs’ Joint Nature Conservation Committee Report No.654, May 2020 published in June 2020 as amended, updated or superseded from time to time;”

2. Commercial Fisheries

2.1 General Comments

Paragraph 53 - The Statement of Common Ground with the Commercial Fisheries Working Group [REP8-062] references the consideration of alternative measures in the final Fisheries Liaison and Coexistence plan (“FLCP”). The Applicant is requested to confirm commitments made, and how these are provided in the outline FLCP, or the process for developing measures post-consent. The Applicant is also requested to confirm how (as listed in the outline FLCP) the Best Practice Guidance for Offshore Renewables Developments: Recommendations for Fisheries Disruption Settlements and Community Funds Fisheries Liaison with Offshore Wind and Wet Renewables Group (FLOWW, 2015) has been considered in the outline FLCP.

- 2.1.1 The MMO highlights that the document mentioned has recently been updated and can be found at the link below, noting this may be too recent to be taken into account at this stage.

[The Fishing Liaison with Offshore Wind and Wet Renewables Group](#)

3. Adaptive Management

3.1 DCO Amendments

Paragraph 24 - Noting the final points raised by the MMO [REP8-102] on adaptive management, the Applicant and the MMO are requested to provide proposed DCO amendments.

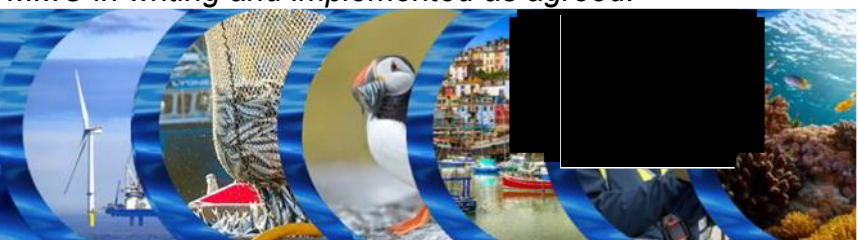
- 3.1.1 The MMO requests that the following conditions be added to the Pre-construction monitoring and surveys condition (condition 27 of Schedules 8 and 10 and condition 28 of Schedule 9) to allow the Applicant to provide potential solutions when reviewing the results of monitoring, to be discussed with the MMO and Statutory Nature Conservation Bodies (SNCBs).

“(5). In the event that the reports provided to the MMO under sub-paragraph (3) identify a need for additional monitoring, the requirement for any additional monitoring will be agreed with the MMO in writing and implemented as agreed.”



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3.1.2 As noted in the response at Deadline 8 and Deadline 7 [REP7-080], 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 condition is more of a proactive approach and sets out a specific adaptive management plan to be submitted. Further details on adaptive management are in section 2 below.

(6). In the event that monitoring reports provided to the MMO under sub-paragraph (3), identify impacts which are beyond those predicted within the Environmental Statement/Habitat Regulations Assessment, adaptive management/mitigation may be required. An Adaptive Management/Mitigation Plan to reduce effects to within what was predicted within the Environmental Statement/Habitat Regulations Assessment, unless otherwise agreed in writing by the MMO, must be submitted alongside the monitoring reports submitted under sub-paragraph (3), including timelines and associated monitoring to test effectiveness. This plan must be agreed with the MMO in consultation with the relevant SNCB's to reduce effects to a suitable level for this project.

(7) Any such agreed or approved adaptive management/mitigation should be implemented and monitored in full. In the event that this adaptive management/mitigation requires a separate consent, the Applicant shall apply for such consent."

3.1.3 The conditions ensure that all parties are clear what is required if the monitoring shows higher impacts than predicted during the assessment stage. It also allows the Applicant to provide potential solutions when reviewing the results of monitoring, to be discussed with the MMO and SNCBs.

3.1.4 The aim of the condition is to provide a clear process to the Applicant, the MMO and any consultees, if in preparing the monitoring reports the Applicant identifies greater impact than the Environmental Statement (ES) predicted, rather than just a discussion upon review of the reports.

3.1.5 The MMO notes that, if impacts are higher than predicted, Section 72 of 2009 Act can be utilised to vary the marine licence to request adaptive management, but believes this Condition gives a clear process to all and allows for proactive management rather than reactive management by the MMO.

4. Other Comments

4.1 DCO Amendments

4.2 MMO Main Office Address Change

4.2.1 The MMO would like to highlight that its main office has now changed. The address in the DMLs in Schedules 8, 9 and 10 will need to be amended to the following:

Marine Management Organisation
Marine Licensing Team
Tyneside House



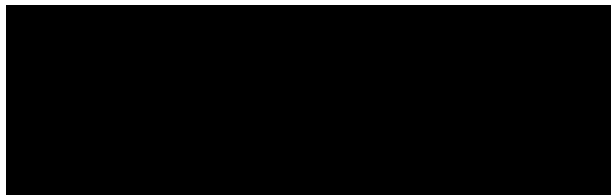
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Skinnerburn Road
Newcastle Business Park
Newcastle upon Tyne
NE4 7AR
Tel: 0300 123 1032

Yours Sincerely,



Marine Licensing Case Officer

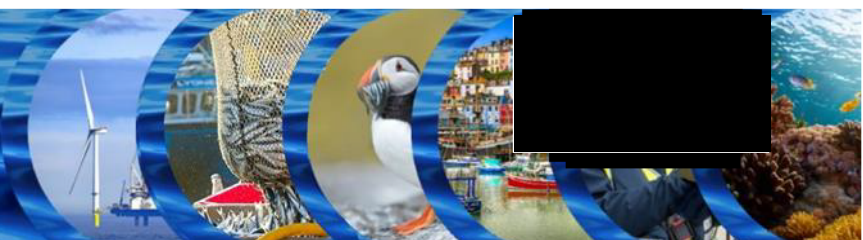


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5. References

MarineSpace Ltd, ABPmer Ltd, ERM Ltd, Fugro EMU Ltd, and Marine Ecological Surveys Ltd. (2013a). Environmental effect pathways between marine aggregate application areas and Atlantic herring potential spawning habitat: regional cumulative impact assessments. Version 1.0. A report for BMAPA.

MarineSpace Ltd, ABPmer Ltd, ERM Ltd, Fugro EMU Ltd and Marine Ecological Surveys Ltd, 2013b. Environmental Effect Pathways between Marine Aggregate Application Areas and Sandeel Habitat: Regional Cumulative Impact Assessments and Case Study Environmental Impact Assessments. A report for BMAPA.

Kyle-Henney M., Reach I., Barr N., Warner I., Lowe S., and Lloyd Jones D., 2024. Identifying and Mapping Atlantic Herring Potential Spawning Habitat: An Updated Method Statement.

Reach, I., Kyle-Henney, M., Barr, N., Warner, I., Lowe, S., and Lloyd Jones, D. (2024). Identifying and Mapping Sandeel Potential Supporting Habitat: An Updated Method Statement.



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