



Marine Management Organisation

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MMO Reference: DCO/2021/00002
Planning Inspectorate Reference: EN010119
Identification Number: [REDACTED]

16 February 2026

Dear Mr John Wheadon,

Planning Act 2008 and The Infrastructure Planning (Examination Procedure) Rules 2010

Application by North Falls Offshore Wind Farm Limited (“the Applicant”) for an Order granting Development Consent for the proposed North Falls Offshore Wind Farm (“the North Falls Offshore Wind Farm Project”)

Secretary of State’s Consultation 3

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.



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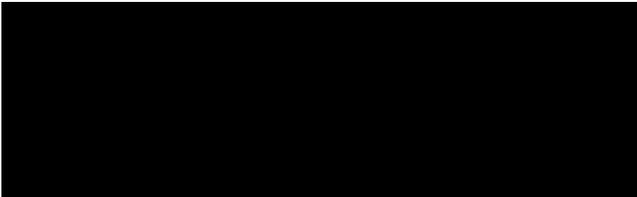


As a marine licence has been deemed within the draft DCO, the MMO is the delivery body responsible for post-consent monitoring, variation, enforcement, and revocation of provisions relating to the marine environment. As such, the MMO has an interest in ensuring that provisions are drafted in a DML that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

This document comprises the MMO's response to the Request for Information dated 28 January 2026.

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

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1. MMO Response to Secretary of State's Request for Information

1.1 Scour and Cable Protection

1.1.1 Point 19

19. The Secretary of State notes that the MMO has suggested the inclusion of a 'reporting cable protection' provision to include scour protection [C1-007] and the Applicant has indicated in its response to the all IP consultation that it is willing for this provision (albeit slightly amended) to be included in the DCO. The MMO and the Applicant are requested to provide any amendments to this wording to include scour protection, and which may be necessary in each DML (Schedules 8, 9 and 10).

1.1.1.1 The MMO welcomes the Applicant's commitment to include this provision and welcomes the following wording as proposed:

27- (1) Not more than four months following completion of the construction of the authorised development, 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 licensed activities.

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.

1.2 DCO Drafting

1.2.1 Point 20

20. The MMO and the Applicant are requested to comment on the proposed wording for a winter piling restriction for herring spawning, should this be required, and whether this is appropriate for each of the DMLs (Schedules 8, 9 and 10):

'No percussive piling may take place between 1st November to 31st January (inclusive) in any year for the protection of spawning herring unless otherwise agreed in writing with the MMO.'

1.2.1.1 The MMO notes the proposed wording for the winter piling restriction for herring spawning and as noted in the Deadline 7 submission [REP7-080], the MMO welcomes this wording and considers that it is appropriate for each of the DMLs.

1.2.2 Point 21



21. The MMO is requested to explain whether the MMO's preferred definition of Mean High-Water Springs ("MHWS") has any material impact on the parameters of the Proposed Development as they are currently defined, in relation to MHWS, in Article 2 of the DCO.

1.2.2.1 The MMO highlighted the rationale for this preferred wording in our Deadline 2 submission [REP2-043] which was to expand the definition to provide further clarity as MHWS changes over time. The MMO noted the ExAs proposed changes at Deadline 7 to "The height of Mean High-Water Springs (MHWS) is the average throughout the year, of two successive high waters, during a 24-hour period in each month when the range of the tide is at its greatest (Spring tides)". The MMO welcomed this change in REP7-080.

1.2.3 Point 22

22. The MMO is asked to clarify whether any further progress has been made on the designation of the disposal ground(s) since the close of the Examination, noting the alternative wording proposed in the MMO's closing statement [REP8-102].

1.2.3.1 Since the closure of Examination, the MMO has been in contact with Cefas who are currently in the process of designating the disposal site.

2. MMO Comments on the Applicant's response to the RFI

2.1 Assessment of Effect in Respect to Red Throated Diver (RTD) Disturbance

2.1.1 The MMO notes the proposed without prejudice wording in the Applicant's Response to Secretary of State's Request for Information (Document reference 11.2):

Condition 22(1)(d), Schedule 9.

(d) a project environmental management plan covering the period of construction for the relevant stage in accordance with the outline project environmental management plan to include details of—

(i) a marine pollution contingency plan to address the risks, methods and procedures to deal with and report any spills and collision incidents of the authorised development in relation to all activities carried out;

(ii) a chemical risk register for all chemicals that have a pathway to the marine environment and may be used for the licensed activities (with the exception of any chemicals used in the course of normal navigation), submitted to the MMO for approval at least ten weeks prior to the use of such chemical, to include details of—

(aa) the function of the chemicals;

(bb) the quantities being used and the frequency of use; and



cc) the physical, chemical and ecotoxicological properties of the chemical (save for any chemicals present on the OSPAR List of Substances Used and Discharged Offshore which Are Considered to Pose Little or No Risk to the Environment (PLONOR);

(iii) a marine biosecurity plan detailing how the risk of introduction and spread of invasive non-native species will be minimised;

(iv) waste management and disposal arrangements; and

(v) details of a protocol for the protection of red throated divers restricting the laying of the offshore cables within the site designated as the Outer Thames Estuary Special Protection Area between 1 November and 1 March (inclusive) in any year unless otherwise agreed in writing with the MMO in consultation with the relevant SNCB.

2.1.2 The MMO is in agreement with Natural England's advice that the construction and decommissioning of the export cable should not take place within the Outer Thames Estuary Special Protection Area (OTE SPA) +2 kilometres (km) buffer during the sensitive over wintering period for RTDs of 1 November to 31 March inclusive given the potential for vessels outside the SPA to impact birds within it at that distance. The MMO defer to NE for further comments.

2.2 Benthic and Intertidal Ecology

2.2.1 The MMO notes that the Applicant considers that the timing of the surveys should be agreed with the MMO, in consultation with Natural England, post consent during development of the monitoring plan, in accordance with the In Principle Monitoring Plan (IPMP). The MMO maintains the position agreeing with Natural England that post construction surveys should be undertaken once seabed disturbance from construction activities has ceased for at least 12 months to ensure the greatest likelihood of capturing habitat recovery. The MMO is also in agreement with Natural England that the IPMP should be amended to note that, should the monitoring highlight an impact significantly greater than assessed, or a failure to recover, further monitoring works and potentially remedial action may be required by the MMO after consideration of advice from the relevant SNCB. The MMO would encourage that this issue is addressed at this stage rather than post consent.

2.2.2 The MMO notes the Applicant's comments that "there is no 10-year time limit for installation of scour protection, and it is noted that condition 34 which the MMO refers to relates to cable protection, for which there is a 10-year period limit". The MMO is in agreement with Natural England that after 10 years any new area of scour protection would require a new marine licence.

2.3 Fish and Shellfish

2.3.1 The MMO notes that there are no offshore platforms in the offshore export cable corridor, in accordance with the dDCO and offshore works plans [AS-020].

2.3.2 The MMO is in agreement that UXO clearance will be subject to separate marine licencing and mitigation will be agreed with the MMO through that process.



2.3.3 The MMO notes the provision under condition 22(4) / 23 (4) / 22(4) of Schedule 8 / 9 / 10 respectively requiring the licensed activities to be carried out in accordance with the SIP and has no further comments.

2.3.4 The MMO welcomes the inclusion of the justification for the JNCC guidance and has no further comments.

2.3.5 The MMO welcomes the response from the Applicant to the Secretary of State's Request for Information (Document Reference 11.2) which confirms the final Fisheries Liaison and Co-existence Plan (FLCP) will take account of the latest guidance as applicable and the MMO has no further comments.

2.4 Adaptive Management

2.4.1 The MMO notes the proposed wording provided by the Applicant:

Condition 26(5) (5) If, in the reasonable opinion of the MMO, the reports provided under sub-paragraph (4) show impacts significantly in excess to those assessed in the environmental statement an adaptive management plan to reduce impacts to a level within those assessed in the environmental statement must, unless otherwise agreed with the MMO in writing. The adaptive management plan must be agreed with the MMO and should be implemented in full in accordance with the timetable set out in the plan. In the event that the adaptive management measures require separate consent, the undertaker shall apply for such consent but only be required to undertake the relevant adaptive management once the consent is granted, with the timetable in the plan adjusted accordingly.

2.4.2 The MMO requests the following updates to the wording:

Condition 26(5) (5) If, 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 Habitats Regulations Assessment, unless otherwise agreed with the MMO in writing, must be submitted alongside the monitoring reports submitted under subparagraph (4). The adaptive management plan must be agreed by the MMO in consultation with the relevant Statutory Nature Conservation Bodies to reduce effects to a suitable level for this project. Any such agreed and approved adaptive management or mitigation should be implemented and monitoring undertaken in full to a timetable first agreed in writing with the MMO. In the event that the adaptive management measures require separate consent, the undertaker shall apply for such consent but only be required to undertake the relevant adaptive management once the consent is granted, with the timetable in the plan adjusted accordingly.

Yours Sincerely,





Marine Licensing Case Officer



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