

THE INFRASTRUCTURE PLANNING (EXAMINATIONS PROCEDURE) RULES 2010

FIVE ESTUARIES OFFSHORE WIND FARM DEVELOPMENT CONSENT ORDER

PINS REFERENCE EN010115

**WRITTEN SUBMISSION OF ORAL
REPRESENTATIONS MADE ON BEHALF OF
THE PORT OF LONDON AUTHORITY AT ISH1
AND ISH2**



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INTRODUCTION

This is a written submission made on behalf of the Port of London Authority (PLA) in respect of oral submissions made at:

- a) Issue Specific Hearing 1 on Environmental Matters held on Wednesday 18th September 2024; and
- b) Issue Specific Hearing 2 on Development Consent Order matters held on Thursday 19th September 2024.

| Issue Specific Hearing 1 | |
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| Agenda Item 3.3: Shipping and Navigation | Oral Submission made on behalf of the Port of London Authority |
| a) Any implications the Proposed Development would be likely to have for shipping services and navigation to and from commercial ports on the East Coast | <p>1 RESPONSE TO ITEM 3.3(A)</p> <p>1.1 The Port of London Authority (the "PLA") is the statutory harbour authority for the tidal River Thames. The PLA's area of jurisdiction and regulatory powers are found primarily in the Port of London Act 1968. The wind farm lies outside of the PLA's landownership and limits of the Port of London Act, however the PLA's functions include the promotion of the use of the River Thames for freight and passengers as an important and sustainable transport corridor and access to the River is therefore a key concern for the PLA.</p> <p>1.2 Within the River Thames is the Port of London. The Port of London is the country's largest port. It handles over 50 million tonnes of goods each year and is the UK's busiest inland waterway. The Port is spread over 70 separate independently run terminals which handle a range of cargoes with worldwide origins and destinations.</p> <p>1.3 To enter or exit the Port of London vessels must use designated routes or channels. The export cable corridor crosses two of these: designated routes the Sunk and the Trinity deep water routes. There is no alternative approach available for larger vessels to access the Port of London.</p> <p>1.4 There is a consensus between the Ports (London, Harwich, Port of Tilbury and London Gateway) that vessels will increase in size over the lifetime of this Project and that vessel draughts could increase to 20m. This is referred to in the Shipping and</p> |

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| | <p>Navigation chapter of the Environmental Statement [APP-078] as the 'realistic maximum draught' [para 9.7.48]. An additional 10% is required to ensure suitable under keel clearance for vessels. This means the Sunk and the Trinity deep water routes would need to have a charted depth of at least 22m to accommodate vessels with a 20m draught.</p> <p>1.5 The depths the cables are installed and maintained, the use of cable protection and the requirements relating to cable crossings in the export cable corridor are all critical. If existing charted depths are not maintained at these deep water routes, the larger vessels that currently use these routes could be prevented from entering the Port of London. The PLA's Written Representation will provide an example of how a vessel enters the Port.</p> <p>1.6 These factors could also restrict the ability for the Sunk and Trinity deep water routes to be deepened in the future, thereby preventing access for the deeper 20m vessels anticipated in the future.</p> <p>1.7 This would have significant long term implications for the Port of London in terms of the quantum of trade handled within the Port. This has corresponding economic disbenefits.</p> <p>1.8 It should be possible to ensure that the capacity and operation of the Port is not compromised, but in order to do that, there needs to be certainty where the export cables cross these deep water routes. In short, the depth the cables are installed and maintained, any cable protection and any cable crossings must allow these channels to be dredged in the future and a charted depth of 22m to be achieved at the deep water routes.</p> <p>1.9 Currently there is uncertainty within the application documents and decisions on depth will be made at a later date without the PLA's approval. As agreed with the ExA specific examples are set out below in these written submissions:</p> <p>(a) Table 1.22 of the Detailed Offshore Project Design Envelope [APP-070] [page 24] states that the indicative maximum burial depth is 3.5m and the minimum burial depth 0 (i.e on the bed of the river) and the footnote advises that "<i>the</i></p> |

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| | <p><i>maximum cable burial depth will be dependent on numerous factors and will vary along the offshore Export Cable Corridor. The cables will be buried below the seabed wherever possible, with a target burial depth defined post consent in a Cable Burial Risk Assessment (CBRA) taking account of the ground conditions and other factors.” This provides no certainty that the cable, cable protection and any maintenance of the cable will be at a sufficient depth to allow the Sunk and Trinity deep water routes to be dredged to 22m.</i></p> <p>(b) The outline Cable Burial Risk Assessment [APP-239] simply states that the outline CBRA will <u>take into account</u> both active and potential future dredging over the ECC when identifying the target burial depth [para 3.2.17]. It makes no commitment to ensuring that the cable, cable protection and any maintenance of the cable will be at a sufficient depth to allow the Sunk and Trinity Deep Water routes to be dredged to 22m.</p> <p>(c) There is a reference in the outline Navigation Installation Plan [APP-252] that in the vicinity of the defined deep water routes it will be ensured that any protection will not compromise maintaining a minimum 20m water depth [para 3.1.17] but this not the required 22m water depth and it only relates to cable protection, a similar commitment is not made in relation to cable crossings [paragraph 3.1.8] or to maintenance [paragraph 3.2.1] .</p> <p>1.10 The PLA has recommended to the Applicant that a plan is produced showing the deep water routes and the area over which deeper burial would be required such that the deep water routes could be dredged to 22m.</p> <p>1.11 A meeting is scheduled for the 4th October to discuss this area for deeper cable burial. The PLA would recommend that the plan that is subsequently produced becomes a certified document and that it is clear on the face of the Order that deeper cable burial must occur in the area shown on the plan and that this deeper burial also applies to all maintenance, re-burial, cable crossings and cable protection.</p> |

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| | <p>1.12 As well as permanent impacts from the cables, there are potential temporary impacts associated with the laying of the cable, its maintenance and from simultaneous operations if the Five Estuaries cable was to be installed or maintained at the same time as the proposed North Falls export cables, Neuconnect or SeaLink. Temporary vessel displacement and delays can have significant impacts because deep drafted vessels to terminals within the Port of London are tidally constrained which means that a small deviation to their schedule could result in them not having enough water for their passage to the berth, thus delaying them until the next tide approximately 12 hours later. The PLA proposed to expand on this matter in its written representations through a worked example.</p> <p>1.13 The Applicant has produced an outline Navigation Installation Plan [APP-252]. It is intended that this plan is the mechanism for managing interactions between project vessels and third party vessels in a section of the offshore cable corridor and the surrounding area. The PLA is supportive in principle of this approach but has concerns about the document as submitted and in particular the lack of details - large parts of the document simply say tbc and noting that the detailed plan then has to <i>“accord with the principles set out in the outline navigation and installation plan”</i></p> <p>1.14 There has been reference to the MCA guidance and compliance with the guidance in relation to water depths. The suggestion by the MCA and the Applicant is that this is sufficient, but the guidance does not work in terms of the deep water routes into the Port.</p> <p>1.15 There is also a lack of approval of the Navigation Installation Plan by the Port of London Authority. Currently the document is to be submitted to the MMO for approval with consultation where relevant. The PLA has been identified in the outline Navigation Installation Plan as an Interested Party and therefore they will be invited by the Applicant to review and discuss any changes but given the importance of this plan the PLA considers that it should have an approval process through offshore protective provisions for the benefit of the PLA. The form of these protective provisions is being discussed with the Applicant and we will keep you updates on this aspect through further written representations.</p> |

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| | <p>1.16 In short there is currently uncertainty over the effect on shipping the depths the cables are installed and maintained, the use of cable protection and the requirements relating to cable crossings in the Export Cable Corridor are all critical. If existing charted depths are not maintained at these deep water routes, the larger vessels that currently use these routes could be prevented from entering the Port of London.</p> |
| b) Any concerns about the NRA for the Proposed Development | <p>2 RESPONSE TO ITEM 3.3(B)</p> <p>The PLA has nothing to raise at this time</p> |
| c) Concerns set out in their Relevant Representations | <p>3 RESPONSE TO ITEM 3.3(C)</p> <p>In addition to the points raised under a) above, the PLA raised an additional four points in its relevant representation:</p> <p><u>Permanent impacts from the offshore substation platforms</u></p> <p>3.1 As set out in Schedule 1 of the dDCO [APP-024] the description for Work No 2 currently includes at (d) <u>up to two offshore substation platforms each fixed to the seabed by a foundation;</u></p> <p>3.2 The Works Plans – offshore [APP-011] show that Work No. 2 includes the export cable corridor. This means that if built as drafted, the offshore substation platforms could be placed within the export cable corridor. Notwithstanding that the array areas have been assessed for the location of these works in the Environmental Statement.</p> |

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| | <p>3.3 The PLA would have significant concerns about the offshore substation platforms being placed within the export cable corridor because it could result in the substation platforms being placed along the access to a deep water route forming a physical obstacle for vessels to navigate around.</p> <p>3.4 The PLA note that the Applicant's response to the PLA's representation indicates that that platforms will not be installed in the export cable corridor and will be updating 2.6 Works Plans - Offshore [APP-011] and the dDCO to secure this. It needs to be ensured that those changes to the Works Plans take place.</p> <p><u>Safety Zones</u></p> <p>3.5 The PLA is concerned about the impact of safety zones on navigation. The PLA note that the Applicant's response to the PLA's representation indicates that The Energy Act 2004 and Electricity Regulations 2007 do not allow for safety zones to be implemented around offshore cable works. Reference to safety zones applying to the export cables in the ES should, therefore, be disregarded.</p> <p><u>Dredging</u></p> <p>3.6 It will be necessary to dredge in order to install the cables and the Marine Licence allows for over 9 million m3 of inert material to be deposited within Works No 2, 2A and 3. Work No. 2 includes the export cable corridor.</p> <p>3.7 The PLA is concerned about the lack of controls in relation to the placing of inert material within the export cable corridor meaning that it would be possible to place material in the export cable corridor where it crosses the Sunk and Trinity deep water routes. This could create high spots which ultimately impact on access to the Port of London by reducing navigable depth.</p> |

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| | <p>3.8 The PLA note that the Applicant's response to the PLA's representation indicates Details of dredging will be set out in the final Cable Specific and Installation Plan (CSIP). The Applicant will review the outline CSIP [APP-242] to provide further clarity on this.</p> <p><u>Onshore navigational equipment</u></p> <p>3.9 The PLA's Holland Haven radar site is located to the south west of plot 01-003. Protective Provisions are being negotiated and it is hoped these will be agreed shortly to address the PLA's concerns.</p> |
| d) Any other matters of concern relating to likely effects of the Proposed Development for navigation and shipping | <p>4 RESPONSE TO ITEM 3.3(D)</p> <p>The PLA has nothing to raise at this time</p> |

| Issue Specific Hearing 2 | |
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| Agenda item 3.1 | Oral Submissions made on behalf of the Port of London Authority |
| Schedule 9 Protective Provisions | <p>1 ORAL SUBMISSIONS:</p> <p>1.1 There are currently no protective provisions for the benefit of the Port of London Authority.</p> <p>1.2 In terms of the protective provisions to deal with the PLA's onshore concerns as explained at Issue Specific Hearing 1 these are close to agreement and one matter remains outstanding.</p> <p>1.3 The PLA has only recently been provided with draft protective provisions for its benefit in relation to offshore matters. These mirror those provided for London Gateway Port, requiring the Applicant to obtain the approval of the PLA of the draft Cable Specific and Installation Plan (CSIP). The PLA's concerns go wider than the matters covered by the Cable Specific and Installation Plan and so the draft protective provisions are currently not fit for purpose. The PLA will proceed to provide to the Applicant with a form of protective provisions which would address its concerns and will keep the ExA appraised of negotiations in respect of the same.</p> |