

**PLANNING ACT 2008  
THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES 2010**

**APPLICATION BY FIVE ESTUARIES OFFSHORE WIND FARM LIMITED  
FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR THE FIVE ESTUARIES  
OFFSHORE WIND FARM PROJECT**

**(REF: EN010115)**

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**DEADLINE 2**

**WRITTEN REPRESENTATION BY THE PORT OF  
LONDON AUTHORITY**

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## 1 INTRODUCTION

1.1 This Written Representation is made on behalf of the Port of London Authority ("**PLA**") in respect of an application for development consent ("**the Application**") submitted by Five Estuaries Offshore Wind Farm Limited ("**the Applicant**") for the Five Estuaries Offshore Wind Farm Project ("**VE**"). This Written Representation is submitted in pursuance of Rules 8(1)(a), and 10(1), (2) and (4) of the Infrastructure Planning (Examination Procedure) Rules 2010.

1.2 The structure of this Written Representation is as follows:

Section 1 – Introduction

Section 2 – The Port of London Authority and the Port of London

Section 3 – Port Development

Section 4 – Policy

Section 5 – The Export Cable Corridor and Impacts on the Deep Water Routes

Section 6 – Impacts from Offshore Substation Platforms

Section 7 – Mitigating Potential Impacts to Shipping And Navigation

Section 8 – Temporary impacts on the PLA's onshore Navigational equipment

Section 9 – Comments on the dDCO

Section 10 – Protective Provisions

Section 11 – Concluding Remarks

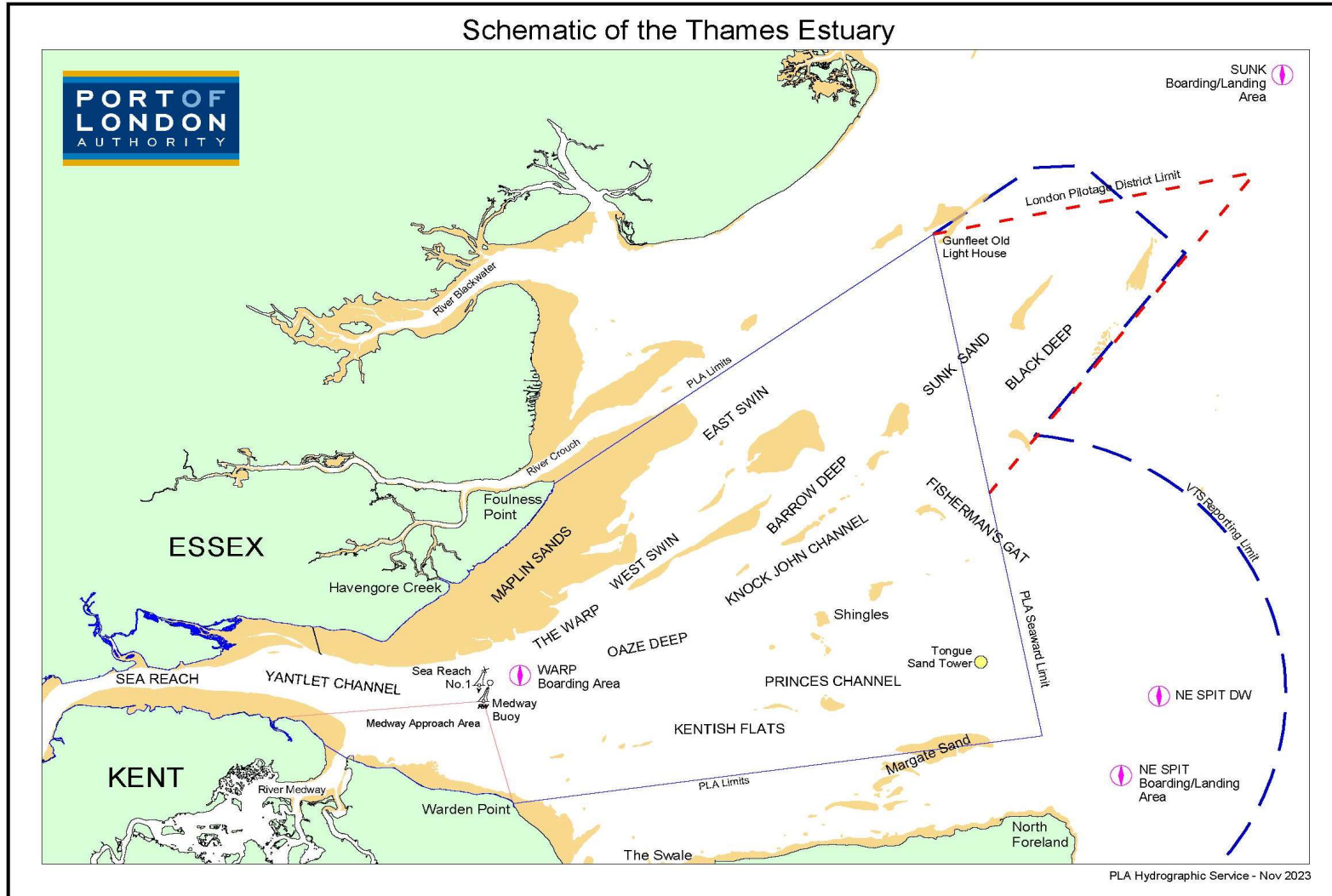
## 2 THE PORT OF LONDON AUTHORITY AND THE PORT OF LONDON

2.1 The PLA is the statutory harbour authority for the tidal Thames (the "**River**"). The River covers approximately 95 miles from Teddington to the North Sea between Clacton in Essex and Margate in Kent. The PLA's statutory functions include responsibility for conservancy, including dredging and improvement of the River; managing public navigation and ensuring navigational safety and controlling vessel movements. Its consent is required for the construction or carrying out of all works in the River, which includes dredging of the River. The PLA's area of jurisdiction and regulatory powers are found primarily in the Port of London Act 1968 (the "**1968 Act**"). The PLA's limits of jurisdiction are shown on the drawing at Figure 1 below.

2.2 The proposed wind farm lies outside of the PLA's landownership and limits under the 1968 Act, however, the PLA's functions include the promotion of the use of the River for freight and passengers as an important and sustainable transport corridor and access to the River is therefore a key concern for the PLA.

2.3 The River is home to the Port of London which is the country's biggest port and its contribution to international trade is critical, handling over 50 million tonnes of goods each year. The range of cargoes includes oil products, construction materials (including aggregates and cement), metals and forest products, vehicles, food products and all manner of containerised/trailer goods with worldwide cargo, origins and destinations.

Figure 1: The PLA's Limits of Jurisdiction



- 2.4 Unlike many other large ports, the Port is spread over 70 separate independently run terminals. Facilities in the Port include nationally significant fuel and container terminals, Europe’s largest sugar refinery and the UK’s largest grain terminal. Figure 2 shows the terminal locations. Over 48,000 jobs depend on the Port and this figure rises to in excess of 140,000 jobs across port and other operations, tourism and recreation. The Port generates more than £6 billion in economic value added annually.

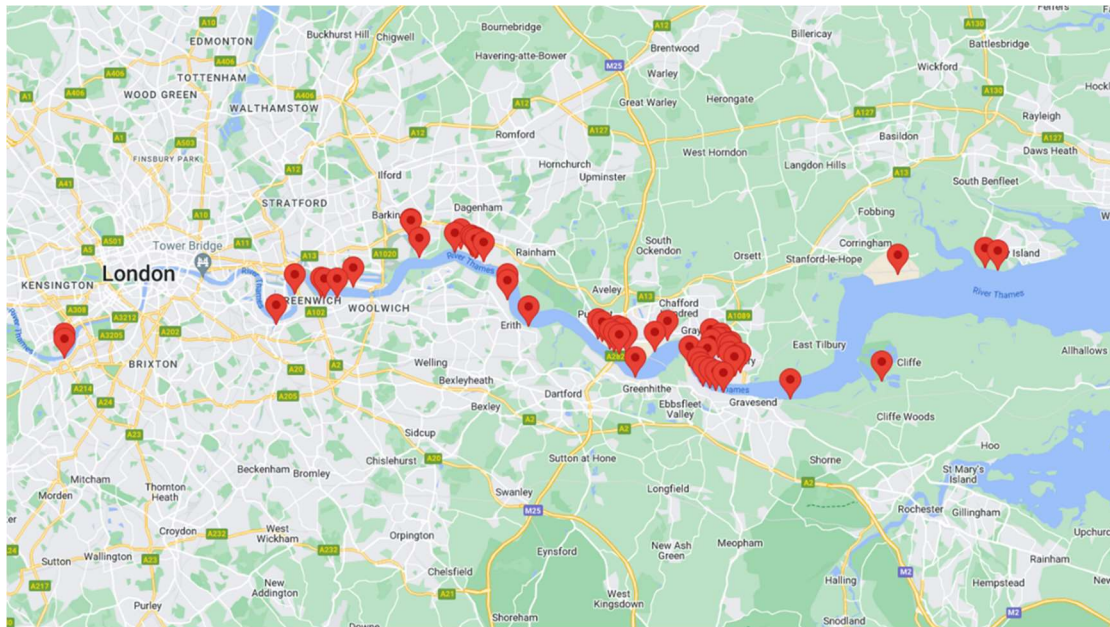


Figure 2 Port of London Terminal locations

### 3 PORT DEVELOPMENT

- 3.1 The PLA’s Thames Vision 2050 sets out the future development and ambitions for the Port and the river, including the specific priority to enable future growth of the Port as a net zero hub. The long-term port trade forecast (Future Trade Through the Port of London Alternative Decarbonisation and Growth Pathways which was commissioned by the PLA to underpin the Thames Vision and was undertaken by Oxford Economics) sets out that between now and 2050 trade will continue to rise to meet growing demand and that by 2050 between 70 - 90m tonnes will be handled at the Port annually, around a 30-60% increase on 2022 levels. Current investments and developments underline this growth expectation. An Economic Impact Study carried out in spring 2020 by SQW on behalf of the PLA showed that 72% of port sector businesses interviewed anticipated growth over the next five years and almost £950m of investment was planned over the same five year period.
- 3.2 London Gateway and the Port of Tilbury London Limited ("**PoTLL**") together handle over 50% of trade in the Port and their continued investment in port infrastructure is significant. In October 2024 DP World announced a £1 billion expansion of London Gateway to make the facility the largest container port in Britain within five years and PoTLL will be expanding its operations and plans, with around £1 billion of investment in the coming years.
- 3.3 In 2021, the government designated the area stretching from and including the Ford plant at Dagenham to and including London Gateway as Thames Freeport. This emphasises further the importance of ports and river-based trade as a hub for UK trade and a conduit for economic growth. It is anticipated that the Thames Freeport will create 21,000 new jobs, result in £400 million in port investment, contribute £2.6 billion additional gross value added and result in over £4.5bn in new public and private investment.

- 3.4 In light of the above, it is therefore critical that the existing and future capacity and operation of the Port are not compromised during construction and operation of VE. For the reasons highlighted throughout this document, the PLA is concerned that VE may cause economic disbenefits to the Port. To accommodate existing and predicted future vessel sizes, the PLA needs to safeguard access via the deep water routes (“DWRs”) for vessels with a draught of 20m. In the event that it is not possible for vessels of this size to enter the port via the DWRs, it will limit the quantum of trade within the Port. The impact of this restriction could be significant, detrimentally impacting the future of the UK’s largest port.

## 4 POLICY

### Ports policy

- 4.1 The National Policy Statement for Ports (“NPS-Ports”) (January 2012) sets out the essential role of ports in the UK economy – with ports in England and Wales handling 95% of the total volume of UK trade and 75% of its value (para 3.1.3). The NPS-Ports recognises that *“shipping will continue to provide the only effective way to move the vast majority of freight in and out of the UK, and the provision of sufficient sea port capacity will remain an essential element in ensuring sustainable growth in the UK economy”* (para 3.1.4). The promotion of successful major port developments is encouraged because they are recognised as being essential for trade and economic growth long-term. In March 2023 it was announced that a review of the NPS-Ports is to be undertaken and that the existing NPS-Ports will remain in full effect during the period of the review.

### Energy policy

- 4.2 The overarching National Policy Statement for Energy (EN-1) (January 2024) with the National Policy Statement for Renewable Energy Infrastructure (EN-3) (January 2024) provide the primary policy for decisions by the Secretary of State on applications for nationally significant renewable energy infrastructure. This includes offshore wind.
- 4.3 EN-1 sets out national policy for major energy infrastructure. It includes at chapter 4 the assessment principles with marine consideration set out at section 4.5. Applicants *“must take account of any relevant Marine Plans and are expected to complete a Marine Plan assessment as part of their project development”* (para 4.5.8). The Secretary of State is required to *“have regard to any appropriate marine policy documents when making a decision on an application for a Development Consent Order where an NPS has effect. This will include any Marine Plan which is in effect for the relevant area, or areas where the project crosses the boundary between plan areas”* (para 4.5.10).
- 4.4 EN-3 covers, amongst other things, offshore wind (>100MW in England). It states at section 2.8 in relation to offshore wind impacts: navigation and shipping:
- (a) *“it is inevitable that there will be an impact on navigation in and around the area of the site”* (paragraph 2.8.178);
  - (b) applicants *“should reduce risks to navigational safety to as low as reasonably practicable”* (paragraph 2.8.179);
  - (c) *“Impacts on navigation can arise from the wind farm of other infrastructure and equipment creating a physical barrier during construction and operation”* (para 2.8.182); and
  - (d) *“Engagement should seek solutions that allow offshore wind farms, offshore transmission, and navigation and shipping users of the sea to co-exist successfully”* (para 2.8.185).

4.5 In relation to Secretary of State decision making, EN-3 goes on to state (emphasis added):

- (a) *“The Secretary of State should not grant development consent in relation to the construction or extension of an offshore wind farm if it considers that interference with the use of recognised sea lanes essential to international navigation is likely to be caused by the development.” (paragraph 2.8.326)*
- (b) *“The Secretary of State should be satisfied that the site selection has been made with a view to avoiding or minimising disruption or economic loss to the shipping and navigation industries, with particular regard to approaches to ports and to strategic routes essential to regional, national and international trade, lifeline ferries and recreational users of the sea.” (para 2.8.328)*
- (c) *“Where after carrying out a site selection, a proposed development is likely adversely to affect major commercial navigation routes, for instance by causing appreciably longer transit times, the Secretary of State should give these adverse effects substantial weight in its decision making” (para 2.8.329)*
- (d) *“The Secretary of State should be satisfied that risk to navigational safety is as low as reasonably practicable (ALARP). It is government policy that wind farms and all types of offshore transmission should not be consented where they would pose unacceptable risks to navigational safety after mitigation measures have been adopted” (para 2.8.331)*
- (e) *“The Secretary of State should have regard to the extent and nature of any obstruction of or danger to navigation which (without amounting to interference with the use of such sea lanes) is likely to be caused by the development in determining whether to grant consent for the construction, or extension, of an offshore wind farm, and what requirements to include in such a consent” (para 2.8.335).*

#### **Marine Policy Statement and Marine Plans**

4.6 Regard must also be had to the UK Marine Policy Statement (“**the MPS**”) (March 2011), the framework for preparing Marine Plans and taking decisions affecting the marine environment, as provided for in the Marine and Coastal Assess Act 2009. The MPS provides the high level policy context within which national and sub-national Marine Plans are developed. There are eleven marine plan areas in England. The relevant Marine Plan for the river Thames is the South East Inshore Marine Plan (“**the SEIMP**”) (June 2021). The East Inshore and East Offshore Marine Plans (“**the East Plans**”) are also of relevance given the location of the proposed development.

4.7 The MPS recognises the importance of offshore wind in meeting renewable energy and carbon emission targets. It also emphasises the importance of ports and shipping in the marine environment and their essential role in the UK economy including for the transport of goods and people (section 3.4). The SEIMP highlights how the plan area has:

*“many important activities competing for a small amount of space. This includes shipping activity of international significance and important shipping lanes to Europe that lie in close proximity to offshore wind installations” and “is home to the highest number of ports and harbours in England, contributing the greatest amount of gross value added to the national economy of all the English marine plan areas from ports and shipping. These include the Port of London, with high volumes of traffic [...] Associated activities such as dredging of ports, harbours and approaches are essential to ensure safety of navigation, ensuring the viability of ports and harbours, along with the ability to compete in the global maritime sector.”*

4.8 The SEIMP has three main objectives: (i) a sustainable marine economy; (ii) ensuring a strong, healthy and just society; and (iii) living within environmental limits. The SEIMP’s policies support delivery of the SEIMP objectives and whilst it is clear that individual marine policies must not

be read in isolation, policy SE-PS-1 is of note due to its support for sustainable port and harbour development. It states:

*“Only proposals demonstrating compatibility with current port and harbour activities will be supported. Proposals within statutory harbour authority areas or their approaches that detrimentally and materially affect safety of navigation, or the compliance by statutory harbour authorities with the Open Port Duty or the Port Marine Safety Code, will not be authorised unless there are exceptional circumstances.*

*Proposals that may have a significant adverse impact upon future opportunity for sustainable expansion of port and harbour activities, must demonstrate that they will, in order of preference:*

- Avoid
- Minimise
- Mitigate

*adverse impacts so they are no longer significant.*

*If it is not possible to mitigate significant adverse impacts, proposals should state the case for proceeding.”*

- 4.9 Other SEIMP policies of relevance are set out in the table at Appendix 1 to this Written Representation.
- 4.10 There are eleven objectives in the East Plans which are supported by detailed policies. The East Plans recognise that the plan areas contain *“the majority of both Round 2 and Round 3 offshore wind energy sites...and as such are crucial to the deliver of national policy relating to offshore wind”* (para 68).
- 4.11 Due to the important contribution offshore wind farms make to energy and carbon reduction objectives, policy WIND2 supports *“Proposals for Offshore Wind Farms inside Round 3 zones, including relevant supporting projects and infrastructure.”* However, the East Plans highlight at paragraph 313 that *“Other policies should be taken into account when applying the support outlined in WIND2.”*
- 4.12 Policies relating to ports and shipping are set out in section 3.12 which emphasise *“how the ports and shipping are critical to the effective movement of cargo and people, and form an essential part of the United Kingdom and global economies”* (para 342) and *“In the East marine plan areas there are increasing levels of activity encroaching on navigable space (for example, offshore wind farms), making it ever more important to indicate the area essential for navigation”* (para 344).
- 4.13 Whilst the East Plans policies should not be read in isolation, of particular relevance are policies PS1, PS2, PS3 and CAB1 and these are set out in Appendix 1 to this Written Representation.
- 4.14 The Applicant’s assessment of the Application against planning policy (APP-232 Policy Compliance Document) on pages 210 and 266 concludes that:

*“Overall, it is considered that there will be no significant effects upon Shipping and Navigation receptors.”*

The PLA is unable to agree with this conclusion based on the Application as currently submitted. It has not been demonstrated that the DWRs into the Port of London have been safeguarded now and into the future and that the cables, cable protection and cable crossings would ensure vessels of 20m draught could enter the Port. The PLA considers that it should be possible to do this, but the dDCO and the application documents do not at this time sufficiently reassure

the PLA. In the absence of protective provision for the PLA, decisions made by others at the detailed design stage could significantly and detrimentally impact the future of the Port.

- 4.15 The Applicant's Marine Plan Policy Assessment (REP1-055) sets out various policies within the SEIMP and East Plans that it considers are either not applicable or that they consider the application is compliant with. It is of note that there is no reference in the Marine Plan Policy Assessment to policies SE-PS-1, SE-DD-1, SE-PS-2 and SE-PS-3 in the SEIMP or to policy CAB-1 in the East Plans.

## **5 THE EXPORT CABLE CORRIDOR AND IMPACTS ON THE DEEP WATER ROUTES**

- 5.1 The export cable corridor ("**ECC**") (Work No. 2(c)) runs from the array areas to the land. A corridor is proposed which varies in width along the route. Cables would be located between 50m and 200m apart within the corridor. The ECC passes through the Sunk and Trinity DWRs – the main DWRs into the Port of London. There is no alternative approach available for larger vessels to access the Port of London. The locations of the Sunk and Trinity DWRs are shown on Figure 2.2 in the Applicant's Responses to Action Points (REP1-060). The dotted line represents the best (deepest) water with vessels recommended to plan their route on this line. The routes are both used for entry and exit into/from the Port of London.
- 5.2 These DWRs are not currently dredged channels in the same way as the Harwich Deep Water Channel is (i.e. cut into the seabed), and any dredging which has occurred under the London Gateway Harbour Empowerment Order 2008 is merely trimming the tops off existing sandwaves. Therefore, there has been some flexibility for re-routing the DWRs to take account of the natural migration of the seabed and to account for changing shipping patterns (i.e to minimise conflict between Harwich and London traffic). Re-routing is an established practice utilised by the Maritime and Coastguard Agency, General Lighthouse Authorities and Harbour Authorities and is inferred by the conservancy duty in the Port Marine Safety Code.
- 5.3 As illustrated by figure 12.3 in the Infrastructure and Other Marine Users Chapter of the Environmental Statement ("**ES**") (PD4-004) there are a number of existing and proposed subsea cables and pipelines in the Estuary which will either need to be crossed by VE (e.g Neuconnect) or VE will be crossed by in the future (e.g. Sealink).
- 5.4 The depth of the VE cables where they cross the DWRs; the approach to cable laying and repair; cable protection and cable crossings are therefore all critical if the DWRs into the Port of London are not going to be impacted by VE. There are areas of the ECC where certainty is required at this stage on cable burial depths, cable protection and cable crossings to ensure that there will be no significant effects on shipping and navigation arising from the ECC, in isolation or cumulatively with other projects, during construction, operation, maintenance and decommissioning.
- 5.5 The range of impacts vary from vessel displacement and delays to placing a constraint on the size of vessel that can enter the Port and therefore the capacity of the Port of London. The VE application needs to provide clarity and confidence that long term access/egress to the Port of London would be maintained and that short term impacts during construction and maintenance would be kept to a minimum.

### **Cable Depth / Location**

- 5.6 At this stage in the project, cable burial depths are unknown. The Offshore Project Description chapter of the ES (APP-069) sets out the maximum design scenarios for the burial depth of the ECC which ranges from 0m to 3.5m. The Navigational Risk Assessment ("**NRA**") (APP-240) advises at paragraph 88 that the indicative maximum burial depth is 3.5m with an indicative average cable burial depth of 0.5m relative to non mobile seafloor level. Documents including the Offshore Project Description (APP-069) and Detailed Offshore Project Design Envelope (APP-070) state that cables will be buried below the seabed wherever possible (emphasis added) and that where burial cannot be applied or minimum cable burial depths cannot be



achieved, alternative methods such as rock placement, concrete mattresses or other solutions could be used.

- 5.7 The minimum charted water depths are 18m (Trinity) and 16m (Sunk) below Chart Datum ("CD") where the ECC would cross the DWR.
- 5.8 The Ports and the Applicant are in discussions about cable depth where the ECC crosses the DWRs. It is the PLA's understanding from recent meetings that there is agreement between the parties regarding the realistic maximum draught of vessels (20m) and that it is also agreed that an additional 10% is required to ensure suitable under keel clearance for vessels. This means that the cables would need to be installed and maintained within the ECC at a depth that would allow for the Trinity and Sunk DWRs to be dredged and deepened in the future to a depth of at least 22m below CD. The Applicant and the Ports are in discussion about the datum to be used in the application documents (mean lowest astronomical tide ("MLAT") or CD) and it is hoped that agreement can be reached on this point shortly.
- 5.9 The area over which this deeper cable burial needs to occur is also still under discussion. Due to the constructive nature of the discussions, it is hoped that agreement might be reached on the area for deeper cable burial before the close of the examination. It will be important to secure any agreed position in relation to the DWRs as an embedded mitigation and for the agreed position to be clear and consistent within the application documents and within the dDCO. The exact mechanism and wording for this will be the subject of future discussions between the Applicant and the Ports including the PLA's recommendation at Issue Specific Hearing 1 that a plan be produced for the area where the cables would cross the DWRs and that this plan would be a certified document.
- 5.10 Currently, the mitigations relating to shipping and navigation place significant weight on documents that are yet to be produced (discussed further below) and they do not provide the certainty in relation to the DWRs that is required. For example:
- (a) The mitigations as presented in table 9.10 of the Shipping and Navigation chapter of the ES (APP-078) include compliance with MGN 654 and its annexes including in relation to reductions of no more than 5% in under keel clearance. As will be evident from the paragraphs above, there can be no reductions in under keel clearance at the Sunk and Trinity DWRs if these routes are to be dredged in the future to 22m CD.
  - (b) The oCBRA (APP-239) whilst referring to the Sunk and Trinity DWRs does so only in relation to the charted depths. There is reference to dredging but this is only in relation to London Gateway's approved dredge depth of 16.5m within the Sunk DWR. Paragraph 3.2.16 states there is the potential for this depth to be increased in future to account for larger draught vessels (subject to approval) and paragraph 3.2.17 states the oCBRA will take into account both active and potential future dredging over the ECC when identifying the target burial depth. As there is a specific draught of vessel (20m) and therefore dredge depth (-22m CD) that has been agreed between the parties, the oCBRA should provide this specific information and commit to cable burial depths that will not prejudice vessels with a draught of 20m entering the Port.
  - (c) Whilst paragraph 9.11.100 of the Shipping and Navigation chapter of the ES (APP-078) refers to the Trinity and Sunk DWRs and how these are required to give deep water access for the current max draught (up to 17.5m) and realistic future worst case draught (up to 20m) paragraph 9.1.101 goes on to state that the CSIP and CBRA will take into account areas where deep draught vessels transit and therefore areas where water depth cannot be compromised by more than 5%. As highlighted above, there are areas where no reduction in depth can be permitted.

## **Cable Laying and Repair**

- 5.11 As well as crossing the DWRs, the ECC is located in close proximity to the Sunk Pilot Diamond as shown on Figure 2.2 in the Applicant's Responses to Action Points (REP1-060). Pilotage is compulsory for large vessels within the London Pilotage District and its approaches and boarding and landing of pilots takes place in the general vicinity of the Sunk Pilot Diamond, rather than at that specific point shown on Figure 2.2. The actual location will be based on a number of factors, including traffic density, wind strength and direction and tidal conditions.
- 5.12 Construction and maintenance vessels must not hinder access into the Port nor the ability to board or land pilots. Contrary to the Applicant's assertions at paragraphs 9.11.103 to 9.11.106 of the Shipping and Navigation Chapter of the ES (APP-078), deep drafted vessels to terminals within the Port of London are tidally constrained, so 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 as explained further below.
- 5.13 With the continued development of London Gateway to six berths there will be greater need to ensure vessels can arrive and depart at all states of the tide, in order for the terminal and the wider port to operate efficiently. For example, if a vessel leaving London Gateway was tidally constrained at the Sunk and missed her deadline for leaving the berth, the vessel may have to remain alongside for a number of hours until there was sufficient water again, which would also impact any inbound vessel planned for the same berth.
- 5.14 The largest, deepest vessels into and out of the port tend to manoeuvre off the berths towards high water, when there is more available deep water for swinging. Their passages between the container or tanker berths and the Sunk can be up to five hours, which is a significant proportion of the approximately 6hr tidal window between high water and low water. This means they are usually planned to be in the vicinity of the Sunk at the lower end of the tide.
- 5.15 If the tidal window at the Sunk was restricted due to lack of safe water, the safety and efficiency of vessel movements could be compromised. For example, a vessel which was planned to be at the Sunk before low water, could, if delayed, find itself unable to complete its passage out of the Thames. The vessel would have to either slow down or try and anchor to await the rising tide, both of which would create a hazard to itself and other vessels. Alternatively, if delayed at the berth the vessel would not be permitted to sail until the tide had risen sufficiently, causing further delay to that vessel and any vessel due to take its berth. Large vessels navigating to and from London Gateway are required to have some separation for safety reasons, so with up to 6 berths operating in the future it will be necessary for more than one vessel to be navigating on any tide. Avoiding the low water period at the Sunk would make it difficult to achieve multiple vessels safely navigating in and out of the port with the required separation on each tidal cycle, leading, once again to vessel delays and potentially compromising navigational safety.
- 5.16 Where the cables are crossing over or are adjacent to the DWRs the most effective method of cable laying in terms of speed and ability to achieve the required cable burial depth should therefore be used. The Shipping and Navigation Chapter of the ES (APP-078) advises that the outline Navigation and Installation Plan ("oNIP") (REP1-039) will address the approach to cable laying and is included as mitigation in Section 9.9 Whilst there is a mitigation in table 9.10 relating to the production of a NIP there is no mitigation relating to installation at the DWRs and the oNIP (REP1-039) simply states that the speed when undertaking cable lay/burial activities would be between 150 to 450m per hour.

## **Cable Crossings**

- 5.17 As shown on figures 12.2 and 12.3 of the Infrastructure and Other Marine Users Chapter of the ES (PD4-004) there are a number of existing and proposed cables in the vicinity of VE. These include SeaLink, Neuconnect, and the North Falls export cables. Parties need to work together wherever possible to minimise impacts and to maximise the potential for other projects to come forward in the future. This is critical for the above projects which would all cross or be crossed

by VE in the Sunk Inner and Sunk Outer Precautionary Areas – in the ‘area of interest for the NIP’ (see figure 2:1 overview of area of interest for NIP in the Outline Navigation Installation Plan) (REP1-039).

- 5.18 The maximum design scenario assessed as set out in the Shipping and Navigation Chapter of the ES (APP-078) is an “*indicative height of protection for export cables of 1.1m and 1.4m when including crossings.*” The worst case consequence is identified in table 9.20 as “*disruption to port schedules and vessel grounding on cable protection*” but the PLA would assert that the worst case scenario consequence could be vessels being unable to access the Port because the required under keel clearance is not available with the associated economic impacts that would flow from this. The mitigations include compliance with MGN 654 but as highlighted earlier, up to 5% reduction in water depths at the DWRs may not be achievable as this would prevent vessels with a draught of up to 20m from entering the Port. The Infrastructure and Other Marine Users Chapter of the ES (PD4-004) does not appear to consider impacts on marine users from the cables or cable crossing if there is a reduction in water depth.
- 5.19 Whilst there is more detail available on North Falls, the Infrastructure and Other Marine Users chapter of ES (PD4-004) advises at paragraph 12.6.1 that there are uncertainties with several infrastructure projects including Neuconnect and that the exact routes and locations of these projects as well as their construction timescales are not currently available and cannot be assessed in full detail. This statement is surprising, particularly in relation to Neuconnect where at paragraph 12.7.8 of the same chapter of the ES details of the Marine Licence are provided and at paragraph 12.7.23 it is stated there is a high level of certainty or information available including for NeuConnect.
- 5.20 Sealink is classified at paragraph 12.7.24 of the Infrastructure and Other Marine Users chapter of the ES (PD4-004) as having lower levels of certainty or information available and have therefore not been assessed within the current baseline. Whilst in EIA terms, Sealink may not be required to be assessed because of the stage that this project is at, the burial depth for the VE cables within the ECC could have significant implications for this project and it is important that the VE burial depth does not prohibit this and any other projects from occurring because of unacceptable impacts on water depths which could have been designed out through the deeper burial of VE or the moving of cable crossing locations. The PLA must have confidence that the VE cable will be buried at a sufficient depth or placed in areas of deeper water so that any cable crossings for SeaLink and North Falls are achievable without impacting on vessels with a draught of 20m from entering the Port.

### **Pre Construction Activities**

- 5.21 As is common with the installation of cables a number of pre-construction activities including pre-construction surveys and monitoring may need to be carried out in order to obtain more information to inform for example, the final cable route and burial depth or to allow for the installation of the cable on the chosen route (e.g. boulder clearance, UXO clearance etc).
- 5.22 The Offshore In Principle Monitoring Plan (APP-265) refers to geophysical and geotechnical surveys before works commence and sets out at para 4.2.3 “*The geotechnical and geophysical surveys may comprise survey methods including but not limited to, multibeam sonar, sidescan sonar, sub-bottom profiling, cone penetration tests and vibrocoring. Where required, seabed sediments may also be subject to grab sampling for physical and biological analyses. In addition, buoys may be deployed to survey local meteorological conditions.*”
- 5.23 The PLA would want to approve any surveys or monitoring or pre-construction activities that could affect the DWRs because a survey vessel may pass slowly over the DWRs or even stop to place/remove monitoring equipment which could affect shipping. Equally, restrictions may need to be placed on how the pre-construction activity can be undertaken e.g. a boulder or archaeological find cannot be relocated to or within a DWR but must instead be removed.

## **Dredging and disposal of dredged material within the ECC**

- 5.24 In order to install the cables within the ECC it will be necessary to dredge. The Marine Licence allows for up to 9,214,386 cubic metres of inert material to be deposited within works no.2 (the ECC), 2A and 3. Fig 1.11 of the Offshore Project Description (APP-069) shows that the ECC disposal site is along the entirety of the ECC. There is a concern about a lack of controls in relation to the placing of inert material within the ECC and the implications of this for navigable depths at the DWRs.

The Applicant's Reponse to Relevant Representations (PD4-006) notes the PLA's concern and advises that details of dredging will be set out in the final CSIP. The Applicant further advises that they will review the oCSIP to provide further clarity on this point and the PLA await an updated oCSIP.

### **Safety Zones**

- 5.25 The Safety Zone Statement (APP-230) provides information on the safety zone application that will be made to the Secretary of State for Energy Security and Net Zero. The information provided in the Safety Zone Statement differs to that provided in the ES and it would appear from the ES that a safety zone would be put around the export cables.
- 5.26 The PLA note that the Applicant's response to the PLA's Relevant Representation (PD4-006) 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. The PLA assume that the ES will be updated in due course.

## **6 IMPACTS FROM OFFSHORE SUBSTATION PLATFORMS**

- 6.1 The PLA raised concerns in its Relevant Representation (RR-090) and at Issue Specific 1 about the location of any offshore substation platform(s) and the potential for these to be placed within the ECC. At Deadline 1 the Applicant updated the Offshore Works Plans (REP1-006) and the plans now show the offshore substation platforms (Work no. 2(a)) within the array areas. This addresses the PLA's concern.

## **7 MITIGATING POTENTIAL IMPACTS TO SHIPPING AND NAVIGATION**

- 7.1 To mitigate potential impacts to shipping and navigation, the Applicant places a significant amount of weight on documents, which will be produced post consent. These include:

- (a) Detailed cable burial risk assessment ("**CBRA**")
- (b) Development of, and adherence to, a Cable Specification and Installation Plan ("**CSIP**")
- (c) Navigation and Installation Plan ("**NIP**")

- 7.2 The outline documents could alongside protective provisions for the PLA provide the comfort that the PLA requires that at the detailed design stage, the DWRs into the Port will be protected now and into the future. Amendments are however required to the outline documents and protective provisions provided for the PLA to remove the current uncertainty. Specific comments on the documents include:

### **(a) Outline Cable Burial Risk Assessment (oCBRA) (APP-239) and CBRA**

- (i) The oCBRA (APP-239) sets out "*routing and burial risk considerations at this point in time*" (paragraph 2.1.4). It is predominately focused on the risks to the cables from external factors including seabed gradients, seabed contacts and mobile seabed features. A number of solutions are set out in order to reduce

risks to the cable for example, avoidance of boulders and then if that is not possible, their relocation. Not all solutions will be acceptable in all locations. For example, near to or within the DWRs it may not be appropriate to relocate boulders. Of concern to the PLA is how risks to shipping and navigation would inform the CBRA and in particular how the DWRs would be maintained to allow access for vessels with a 20m draught when the Applicant is considering the need to provide cable protection in order to reduce the risks to the cable.

(ii) Paragraphs 3.2.16-3.2.18 relate to dredging, but these paragraphs highlight the current charted depth of the DWRs and London Gateway's approved dredge depth within the Sunk DWR. They do not set out the PLA's requirement for the export cables, cable protection and crossings to maintain at least access for vessels with a draught of 20m which will require dredging of the seabed. The wording used in the document lacks certainty. For example:

(A) they 'may' apply a 1.0m overdredge allowance (paragraph 3.2.18) but this wording means that they may not.

(B) *"The pre-construction CBRA will further assess the risks associated with anchor strikes and shipping traffic, and this will inform the final target burial depth, burial equipment and the potential need for cable protection (also considering the potential impact on shipping due to reduction of navigable depth)"* (paragraph 3.2.27). This statement assumes that a reduction in navigable depth will occur which, as the PLA has already stated, will not be possible where the cables cross the DWRs.

(C) *"The need to cross existing subsea cables will necessitate the use of cable protection, as VE's export cables will be installed over the existing subsea cable. The pre construction CBRA will detail the cable crossings, their location and the need for and extent of cable protection.* This statement makes no reference to the need to ensure that any protection will not compromise maintaining a minimum 22m water depth at the DWRs.

(D) There is no information in the oCBRA about who interested parties to the document might be and if or how they would be consulted, and their comments taken into account in the production of the CBRA. There is no requirement for the MMO to be provided with a copy of any comments received on the document.

(E) Whilst the oCBRA refers to the DML: 13(h)(ii) the reference should be to 13(g)(ii). The requirement is only to 'accord with the principles' of the oCSIP and the condition in the DML allows for loss of navigable depth that could exceed 5%:

*"a detailed cable laying plan for the Order limits within that stage, incorporating a burial risk assessment encompassing the identification of any cable protection that exceeds 5% of navigable depth referenced to Chart Datum and, in the event that any area of cable protection exceeding 5% of navigable depth is identified, details of any steps (to be determined following consultation with the MCA and Trinity House) to be taken to ensure existing and future safe navigation is not compromised or similar such assessment to ascertain suitable burial depths and cable laying techniques, including cable protection"*

- (iii) The CBRA (and CSIP) will inform and are informed by various plans which are listed at paragraph 2.1.8 of the CBRA. It is a notable omission that the NRA is not one of the plans that is listed.

**(b) Outline Cable Specification and Installation Plan (oCSIP) (APP-242) and CSIP**

- (i) The purpose of the oCSIP is to set out the considerations for cable route design and approach to installation, identifying where specific constraints or requirements regarding burial depth and cable protection will need to be factored into the final design and installation planning.
- (ii) Whilst it is stated that the final CSIP will be developed in consultation with stakeholder including the PLA there is no requirement to do so. There is no requirement to consult the PLA on this plan or to demonstrate how any consultation that might have taken place on the document has been taken into account and incorporated into the final version of the document.
- (iii) There are no commitments in the oCSIP relating to burial depths at the DWRs. Table 2 shows a minimum burial depth of 0m and an indicative maximum burial depth of 3.5m and the DML requires a detailed cable laying plan incorporating a burial risk assessment which includes identification of any cable protection that exceeds 5% of navigable depth. The oCSIP does not commit to and the DML does not require details to be provided to demonstrate that the PLA's requirements have been met to maintain access for vessels of 20m draught.
- (iv) The oCSIP has as a mitigation, cables being typically buried at a target burial depth that is to be determined in the CBRA. It states in table 1 "*ensuring use of the deep water routes by deep draught vessels is not compromised due to underwater allision risk.*" This statement is too vague and could be interpreted as the current charted depths of the DWRs rather than protecting the DWRs and access for vessels with a draught of 20m. Table 1 also states that VE will be compliant with MGN 654 and its annexes including in relation to reductions of no more than 5% in under keel clearance (unless risks can be satisfactorily mitigated). As highlighted throughout this document, there are locations where it would not be possible to have any reductions in under keel clearance.
- (v) This oCSIP is lacking in commitments relating to the DWRs. The oCSIP advises that it identifies where specific constraints or requirements regarding burial depth and cable protection will need to be factored into the final design and installation planning but nowhere does it commit to protecting the DWRs and access for vessels of 20m draught.
- (vi) The oCSIP goes on to state at para 2.2.2 that the potential impacts on shipping cannot be wholly avoided through cable routing and will therefore be managed through engagement with the relevant stakeholders and the measures contained in management plans including the CSIP and the NIP.
- (vii) There is no commitment in the oCSIP at paragraph 4.4.1 to designing out cable jointing where the ECC crosses the DWRs. There are also no commitments in relation to cable protection / cable crossings and the DWRs which should be set out at paragraphs 4.5 and 4.6 of the oCSIP.

**(c) Outline Navigation Installation Plan (oNIP) (REP1-039) and NIP**

- (i) The purpose of the document is to manage interactions between project vessels and third party vessels in navigationally sensitive areas. It is also stated at paragraph 1.1.2 that it is "*an embedded mitigation for minimising the significant of effect associated with shipping and navigation impacts,*

*including...reduced access to local ports and harbours including pilotage operations, and reduction in under keel clearance.”* Whilst the NIP could therefore be a useful document, as drafted the oNIP contains insufficient detail, commitments and there is a substantial amount of it is ‘tbc’. This document is the subject of ongoing discussion between the Ports and the Applicant and whilst an updated version (Rev B) (REP1-039) was submitted at DL1, a further version (Rev C) is currently the subject of review. The PLA therefore proposes not to comment on the Rev B version but will focus on continuing engagement with the Applicant regarding the Rev C version of the document and will provide detailed comments on the document at a later deadline.

## **8 TEMPORARY IMPACTS ON THE PLA'S ONSHORE NAVIGATIONAL EQUIPMENT**

- 8.1 The PLA set out in detail in its Relevant Representation (RR-090) and at Issue Specific Hearing 1 its concerns relating to access to its radar site and the placing of structures or plant in excess of 25m from ground level in the construction compound shown on the onshore works plans (APP-010) as Works No. 4B. The PLA and the Applicant continue to discuss protective provisions with one point still to be agreed. It should be possible to reach agreement on this point shortly at which time the PLA would expect the protective provisions to be submitted into the examination.
- 8.2 It is noted that at Deadline 1 the Applicant updated the outline Construction Management Plan (REP1-044) to include a reference to the PLA. This is set out in table 3.1 of the document and states in relation to access AC-0 that liaison will be required with the Port of London on any management measures that restrict vehicular access. Whilst this reference is welcomed, it does not go far enough in ensuring that the safety of navigation is maintained. The PLA is seeking through protective provisions **to have to agree** any management measures that restrict vehicular access.

## **9 COMMENTS ON THE DDCO**

### **9.1 Article 2 (Interpretation) definition of Commence**

In order to amount to commencement under the proposed definition an offshore work needs to be a licensed activity authorised by the deemed marine licences. The PLA note that the Applicant has confirmed in its reply to the Relevant Representation of the MMO (PD4-006) in relation to MMO-RR21 that there is proposed monitoring to be carried out prior to the commencement of licensed activities and reference is made to this being set out in the In Principle Monitoring Plan (APP-265). As noted above, the PLA would want to approve any surveys or monitoring that affect the DWRs. The PLA will be seeking protective provisions within Schedule 9 as explained below to secure that approval and would note that the definition of commencement would not be appropriate for that part of Schedule 9.

### **9.2 Article 2 (Interpretation) definition of maintenance**

The definition of maintain is broad and includes adjusting and altering. In the context of the export cable works to adjust or alter could result in a change in location and/or depth which would not be acceptable to the PLA for the reasons explained above. The PLA note that the MMO at Deadline 1 (REP1-064) recommend that the definition of maintain is amended to remove references to ‘adjust’ and ‘alter’. The current definition is not in-line with the MMO’s interpretation of maintain/maintenance which is as follows; *‘upkeep or repair an existing structure or asset wholly within its existing three dimensional boundaries’*.

The PLA are seeking and negotiating with the Applicant protective provisions within Schedule 9 as explained below. These protective provisions will need to be equally applicable to maintenance.

9.3 **Article 7 (Benefit of the Order)**

The PLA would wish to see drafting that where the undertaker has entered into an agreement under sub-paragraph (2) in relation to which any of the benefit of the deemed marine licence or any part of the authorised development is to be transferred to another party, that the undertaker notify the PLA in writing, and the notice includes particulars of the other party to the agreement and details of the extent, nature and scope of the functions to be transferred or otherwise dealt with which relate to the functions of any of those bodies.

9.4 **Article 10 (Street Works) Article 14 (Temporary restriction of use of streets), Article 16 (Traffic Regulation), Article 17 (Power to Layout etc. of streets) Article 26 (Private Rights) and Article 33 (Statutory Undertakers)**

The PLA's rights of access in relation to the Holland Haven access road and services which serve the PLA's radar site need to be maintained at all times. The PLA need to maintain appropriate access for PLA personnel and vehicles (including cranes) so it can maintain its radar equipment which is critical to navigational safety. The PLA are seeking and negotiating with the Applicant protective provisions within Schedule 9 as explained above and below and the protective provisions will need to ensure that the PLA's right of access and services supporting the radar are maintained throughout the works.

9.5 **Article 31 (Temporary use of land for carrying out the Authorised development)**

Article 31 includes Plots 01-001, 01-002 and 01-003 which are plots of interest to the PLA as they provide access to its radar site. As noted above the PLA are seeking and negotiating with the Applicant protective provisions within Schedule 9 and the protective provisions will need to ensure that the PLA's right of access and services supporting the radar are maintained throughout possession of these plots.

9.6 **Schedule 11 Deemed Marine Licence Transmission Assets**

Whilst the PLA would expect its own approvals, the PLA has the following broad comments:

- (a) There is no definition of outline cable burial risk assessment which is part of the outline cable specification and installation plan, which is defined;
- (b) PLA contact details need to be listed at paragraph 1(4);
- (c) Paragraph 2 allows for disposal of up to 9,214,386 cm<sup>2</sup> of material within the ECC. This must be coupled with checks and balances to make sure that there is no reduction in water depth over the DWRs.
- (d) Part 2 Condition 4 (maintenance of the authorised development) the PLA comments above regarding maintenance are equally applicable. There needs to be a requirement when undertaking maintenance to protect water depths that would ensure a vessel of 20m draught could enter the Port of London.
- (e) Part 2 Condition 7 (Notification and inspections) there is no requirement to notify the PLA of commencement or within subparagraph (12) to notify the PLA if there has been damage to a cable or subparagraph (13) exposure of a cable;
- (f) Part 2 Condition 13 (Pre construction plans and documents):
  - (i) There are a suite of documents submitted to the MMO but no requirement to consult with the PLA or other port authorities such as Harwich or for the Applicant to demonstrate that they have consulted the PLA on any relevant plans prior to their submission nor a requirement to explain how those comments have been addressed.



- (ii) In sub-paragraph (1)(iii) of condition 13 the Applicant has to provide details of length and arrangement but no details are required regarding depth nor the crossing of other cables.
- (iii) Sub-paragraph (g) requires a CSIP– “which accords with the principles of” the oCSIP – this should be substantially in accordance with the oCSIP and there are no provisions regarding critical depths being maintained at the DWRs. As drafted this would potentially allow for exceedance of the 5% reduction of navigable depth. As noted above in section 7 the oCSIP needs to be stronger to make sure the CSIP provides the necessary controls.
- (iv) Sub-paragraph j requires a NIP that accords with the principles of the outline NIP. As noted above there are deficiencies with the outline NIP which need to be addressed.

## **10 PROTECTIVE PROVISIONS**

- 10.1 The dDCO (REP1-008) does not include any protective provisions for the benefit of the PLA.
- 10.2 In terms of the protective provisions to deal with the PLA's onshore concerns as explained above and at Issue Specific Hearing 1 these are close to agreement and only one matter remains outstanding.
- 10.3 The PLA has also 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 CSIP. The PLA's concerns go wider than the matters covered by the CSIP. The form of the Protective Provisions need to cover the following:
- (a) Stipulate that the CSIP must:
    - (i) include construction methods and measures for management of construction risks;
    - (ii) ensure that the channel depth of the Trinity and Sunk DWRs can be maintained to allow for 20m drafted vessels with 2m under keel clearance to use the Trinity and Sunk DWRs where cables, cable crossings and cable protection is required;
    - (iii) take into account the need to protect the existing and future use of the River Thames, including reasonable mitigation of risks to the River Thames and the functions of the PLA during construction of the cables, cable crossings and cable protection and operation of the authorised development;
    - (iv) include notification arrangements which a minimum notice period of the works taking place at the DWRs such notice to include the period of time that disruption might be experienced at the DWRs;
    - (v) include monitoring arrangements;
    - (vi) include arrangements and timescales for cable re-burial should the cable burial depth not be achieved during installation and should the cable depth be reduced over the lifetime of the development;
    - (vii) address decommissioning.

- (b) The PLA must approve the CBRA, NIP, CSIP and any amendments or variations to such plans.
- (c) The PLA need to approve surveys in this DWRs area and works more generally given some of the works descriptions. The "authorised development" includes temporary vessel laydown areas, use of cable anchors, erection of temporary piled structures during construction and the PLA would want to agree any items like this if they could impact the DWRs.
- (d) Provisions need to be included to deal with the removal of temporary works given that there are various things that might be done prior to cable installation or during cable installation e.g. the placement of scour protection around jack up barge legs or boulder clearance as a temporary work or generally. The PLA would want to agree relocation of boulders if that relocation involved the DWRs. There is a related point on archaeology; if there are finds and these need to be relocated then the PLA would want to agree any works that involve the DWRs.
- (e) The PLA would wish to approve maintenance details regarding the buried cable given the definition of maintenance includes works of "execution, placing, altering, replacing, relaying, removal, renewal and works of maintenance".
- (f) Provisions need to be included that if during construction any action or inaction gives rise to sedimentation, scouring, currents or wave action, or other material change to the sea bed, which would be materially detrimental to traffic in, or the flow or regime of the River Thames/DWRs, then the PLA may by notice in writing require the undertaker (at the undertaker's own expense) to comply with the remedial requirements specified in the notice.
- (g) A requirement on the Applicant to provide to the PLA with as built drawings

10.4 Importantly it is not appropriate for others such as the MMO or the MCA to be making decisions on matters that are fundamental to the PLA and the operation of the Port of London/River Thames and the DWRs.

10.5 The PLA has provided the Applicant with a form of protective provisions which would address its concerns and will keep the ExA apprised of negotiations in respect of the same.

## **11 CONCLUDING REMARKS**

11.1 In light of the importance of ports, it is imperative that the existing and future capacity and operation of the Port are not compromised during construction and operation of VE. For the reasons highlighted throughout this document, the PLA is concerned that VE may cause economic disbenefits to the Port.

11.2 To accommodate existing and predicted future vessel sizes, the PLA needs to safeguard access via the DWRs for vessels with a draught of 20m. In the event that it is not possible for vessels of this size to enter and exit the port via the DWRs, it will limit the quantum of trade within the Port. The impact of this restriction could be significant, detrimentally impacting the future of the UK's largest port.

11.3 The depth of the VE cables where they cross the DWRs; the approach to cable laying and repair; cable protection and cable crossings are therefore all critical if the DWRs into the Port of London are not going to be impacted by VE. There are areas of the ECC where certainty is required at this stage on cable burial depths, cable protection and cable crossings to ensure that there will be no significant effects on shipping and navigation arising from the ECC, in isolation or cumulatively with other projects, during construction, operation, maintenance and decommissioning.

- 11.4 The VE application needs to provide clarity and confidence that long term access/egress to the Port of London would be maintained and that short term impacts during construction and maintenance would be kept to a minimum. Currently, the mitigations relating to shipping and navigation place significant weight on documents that are yet to be produced and they do not provide the certainty in relation to the DWRs that is required.
- 11.5 The PLA's concerns need to be addressed through protective provisions in favour of the PLA which address the matters in section 10 of this Written Representation. Importantly it is not appropriate for others such as the MMO or the MCA to be making decisions on matters that are fundamental to the PLA and the operation of the Port of London/River Thames and the DWRs.
- 11.6 The PLA also has concerns relating to access to its radar site and the placing of structures or plant in excess of 25m from ground level in the construction compound shown on the onshore works plans (APP-010) as Works No. 4B. The PLA and the Applicant continue to discuss protective provisions. Those protective provisions need to require the PLA to approve the placing of structures and any management measures that restrict vehicular access.
- 11.7 If agreement cannot be reached on the form of the protective provisions that address the PLA's offshore and onshore concerns then the PLA would wish to invite the ExA to include in its proposed schedule of changes to the dDCO amendments which would address the PLA's concerns.

**APPENDIX 1**

**SOUTHEAST INSHORE MARINE PLAN**

**Other Relevant policies**

<b>Policy</b>		<b>Policy Aim</b>
SE-CAB-1	<i>“Preference should be given to proposals for cable installation where the method of protection is burial. Where burial is not achievable, decisions should take account of protection measures for the cable that may be proposed by the applicant. Where burial or protection measures are not appropriate, proposals should state the case for proceeding without those measures.”</i>	<i>encourages cable burial where possible to meet the needs of the sector while enabling co-existence with other users of the south east inshore marine plan area.”</i>
SE-DD-1	<i>“In areas of authorised dredging activity, including those subject to navigational dredging, proposals for other activities will not be supported unless they are compatible with the dredging activity.”</i>	<i>SE-DD-1 ensures continued safe access by vessels to ports and harbours over the lifetime of the South East Marine Plan. This policy discourages proposals that would cause significant adverse impacts on dredge activities”</i>
SE-PS-2	<i>“Proposals that require static sea surface infrastructure or that significantly reduce under-keel clearance must not be authorised within or encroaching upon International Maritime Organization routeing systems unless there are exceptional circumstances.”</i>	<i>“Within the south east inshore marine plan area, there are International Maritime Organization routeing systems that are essential for shipping activity, freedom of navigation and navigational safety. SE-PS-2 confirms that proposals that compromise these important navigation routes should not be authorised. SE-PS-2 enables and supports safe, profitable and efficient marine businesses. SE-PS-2 specifies that developments should not be authorised where the use of International Maritime Organization routeing systems may be compromised. Authorisation of proposals that impact on the use of International Maritime Organization routeing systems are very rare”</i>

Policy		Policy Aim
SE-PS-3	<p><i>“Proposals that require static sea surface infrastructure or that significantly reduce under-keel clearance which encroaches upon high density navigation routes, strategically important navigation routes, or that pose a risk to the viability of passenger services, must not be authorised unless there are exceptional circumstances.”</i></p>	<p><i>The south east inshore marine plan area is very busy with respect to high-density navigation routes, strategically important navigation routes and passenger services. SE-PS-3 confirms that proposals that pose a risk to safe navigation or the viability of these routes and services should not be authorised. SE-PS-3 aims to protect these routes and services by enabling and promoting safe, profitable and efficient marine businesses. SE-PS-3 focuses on minimising negative impacts on shipping activity, protecting the economic interests of ports, harbours, shipping and the UK economy overall, and affording protection to the areas used by high intensities of traffic (UK Marine Policy Statement, Section 3.4.2). It also gives effect to provisions in the National Planning Policy Framework (Section 37), which aims to encourage sustainable transport.”</i></p>

## EAST INSHORE AND EAST OFFSHORE MARINE PLANS

### Other Relevant policies

- Policy PS1: *“Proposals that require static sea surface infrastructure or that significantly reduce under-keel clearance should not be authorised in International Maritime Organization designated routes.”*
- Policy PS2: *“Proposals that require static sea surface infrastructure that encroaches upon important navigation routes (see figure 18) should not be authorised unless there are exceptional circumstances. Proposals should:*
- a) be compatible with the need to maintain space for safe navigation, avoiding adverse economic impact*
  - b) anticipate and provide for future safe navigational requirements where evidence and/or stakeholder input allows and*
  - c) account for impacts upon navigation in-combination with other existing and proposed activities.”*
- Policy PS3: *“Proposals should demonstrate, in order of preference:*
- a) that they will not interfere with current activity and future opportunity for expansion of ports and harbours*
  - b) how, if the proposal may interfere with current activity and future opportunities for expansion, they will minimise this*
  - c) how, if the interference cannot be minimised, it will be mitigated*
  - d) the case for proceeding if it is not possible to minimise or mitigate the interference.”*

Supporting paragraph 368 explains the importance of accommodating not only the existing requirements of ports but also their future requirements: *“In most cases, ports and harbours are seeking to grow in future in relation to the number of vessels and/or the size of vessels utilising them. Therefore, the need for capacity to accommodate these craft will rise. Ports and shipping growth is responsive to global markets and as such the extent of such growth is difficult to predict. In that context this policy provides clarity on the importance of protecting the economic interest of ports and seeks to prevent encroachment through development or other activities around ports and harbours that may restrict the ability to respond to future growth opportunities.”* (emphasis added)

- Policy CAB1: *“Preference should be given to proposals for cable installation where the method of installation is burial. Where burial is not achievable, decisions should take account of protection measures for the cable that may be proposed by the applicant.”*