

THE INFRASTRUCTURE PLANNING (EXAMINATIONS PROCEDURE) RULES 2010

FIVE ESTUARIES OFFSHORE WIND FARM DEVELOPMENT CONSENT ORDER

PINS REFERENCE EN010115

**DEADLINE 3: WRITTEN SUBMISSION OF ORAL
REPRESENTATIONS MADE ON BEHALF OF
THE PORT OF LONDON AUTHORITY
AT ISH3 AND ISH4**



www.gowlingwlg.com

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 3 on Environmental Matters held on Tuesday 29th October and Wednesday 30th October 2024; and
- b) Issue Specific Hearing 4 on Development Consent Order matters held on Thursday 31st October 2024.

Issue Specific Hearing 3	
Agenda Item 3.3: Effects for Navigation and Shipping	Oral Submission made on behalf of the Port of London Authority
b) Cable burial, in particular where the Export Cable Corridor (ECC) crosses the Sunk and the Trinity Deep Water Routes	<p>1 RESPONSE TO ITEM 3.3(B)</p> <p>1.1 The PLA confirmed the ExA's understanding of its Written Representations and the Applicant's summary of where matters stand is correct. The PLA confirmed that it is waiting for its conservancy manager to return from leave to continue discussions with the Applicant.</p> <p>1.2 Concerning the datum to be used in the application documents, PLA advised that chart datum is normally used, which is why it is being suggested.</p> <p style="padding-left: 40px;">Note: Since the close of ISH3, the PLA and the Applicant have met and have reached agreement that chart datum is the datum to be used in the application documents.</p> <p>1.3 In response to the Applicant's suggestion that the plan of the area where the cables would cross the Deep Water Routes (DWRs) would be included in the outline CSIP, the PLA advised that it has not really discussed the mechanism to secure the agreed mitigation. The PLA is waiting to see the plan and reiterated its expectation that such a plan would be a certified document.</p>

Issue Specific Hearing 3	
Agenda Item 3.3: Effects for Navigation and Shipping	Oral Submission made on behalf of the Port of London Authority
	<p>1.4 As to the method of laying cables where they cross over or are adjacent to the DWRs, the PLA explained that the position remains as per paragraph 5.16 of its Written Representations for Deadline 2. The PLA noted the Applicant's comments on deep cable burial techniques and that it is exploring ways during construction to manage any impacts on the PLA's operations and the pilot diamond and awaits to hear further from the Applicant in this respect.</p> <p>1.5 In respect of the PLA's request in its Written Representations for Deadline 2 to approve surveys, monitoring or pre-construction activities, the PLA advised that it has shared its comments on the Protective Provisions of the draft DCO and it seeks to address these points through those provisions. The PLA (at the time of ISH3) awaited the Applicant's response on this point. The PLA reserved its comments until it has seen the Applicant's comments on the Protective Provisions.</p> <p>1.6 The PLA awaits a copy of the Applicant's proposed disposal plan for inert materials within the ECC to understand whether it addresses its concerns over the lack of controls over such disposals.</p> <p>1.7 As to decommissioning, the PLA stated its preference for the removal of cables from the seabed so that there is not a target or object in the bed itself. However, the PLA understands that it is quite common practice for cables to be left in situ and, if this were the case, it should not be too much of an issue if future dredging then needed to take place, given it is not a hard object.</p>
e) Potential impacts for shipping if construction and/or maintenance activities associated with Five Estuaries coincide with other projects	<p>2 RESPONSE TO ITEM 3.3(E)</p> <p>The Applicant has proposed that the issue of impacts on shipping as a result of construction and/or maintenance activities coinciding with other projects is dealt with through the Navigation Installation Plan (NIP) and the restrictions on working concurrently (more specifically, in paragraph 4.2.7 of the outline NIP). The PLA considers that based on the nature of the discussions with the Applicant so far, it can reach agreement on the outline NIP shortly.</p>

Issue Specific Hearing 3	
Agenda Item 3.3: Effects for Navigation and Shipping	Oral Submission made on behalf of the Port of London Authority
f) Control and mitigation measures set out in the Outline Navigation Installation Plan (NIP), Outline Cable Burial Risk Assessment (CBRA) and Outline Cable Specification and Installation Plan (CSIP)	<p>3 RESPONSE TO ITEM 3.3(F)</p> <p>The PLA is content that it is working through its concerns raised within its Written Representations. There has been progress on the detail in the outline NIP. The PLA requested that the other documents are also reviewed and the Applicant engages on those. The detail regarding cable burial depth was taken out of the outline NIP. The PLA understands that it is going to be put in the CSIP. As such, the PLA is keen to start discussions as to the content of the CSIP. The PLA restated that its primary concern is with the approval process, as previously set out.</p>

Issue Specific Hearing 4	
Agenda item 3.3	Oral Submissions made on behalf of the Port of London Authority
b) Any comments from Interested Parties attending ISH4 concerning Protective Provisions	<p>4 RESPONSE TO ITEM 3.3(B)</p> <p>4.1 The Port of London received a heavily amended version of the Protective Provisions (drafted for the PLA's benefit) from the Applicant on the morning of ISH4. The PLA has not yet had time to go through the comments in detail but will do so. The PLA explained its principal point was to ensure that it has sufficient oversight of the activities that potentially affect the Deep Water Routes and that this is not left to the MMO.</p> <p>4.2 The PLA would not want anything to happen that prejudices the access and egress of the UK's largest port. For the PLA, it is about oversight and ensuring that checks are in place. The PLA needs to review the Applicant's comments on the Protective Provisions to ensure that this is the case.</p> <p>4.3 The PLA advised that it will look at the Applicant's comments and a meeting will need to be arranged for the parties to discuss the issues that remain.</p>