

**THE INFRASTRUCTURE PLANNING (EXAMINATIONS PROCEDURE) RULES 2010**

**FIVE ESTUARIES OFFSHORE WIND FARM DEVELOPMENT CONSENT ORDER**

**PINS REFERENCE EN010115**

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**DEADLINE 7: PORT OF LONDON  
AUTHORITY'S COMMENTS ON SUBMISSIONS  
RECEIVED AT DEADLINE 6**

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## **1 INTRODUCTION**

1.1 This is a written submission made on behalf of the Port of London Authority (“**PLA**”) in respect of comments on Deadline 6 submissions.

1.2 Documents referred to in this submission are:

- (a) Applicant’s comments on Deadline 5 Submissions (REP6-043);
- (b) Draft Development Consent Order (REP6-008);
- (c) Outline Cable Specification and Installation Plan (REP6-021)
- (d) Outline Sediment Disposal Management Plan (REP6-042)
- (e) Certified Deep Water Route Installation Area (Future Dredging Depths) Plan (REP6-055)
- (f) Technical Note – Five Estuaries Relevant Navigational Features for Accessing Local Ports (REP6-040)
- (g) Outline Navigation and Installation Plan (REP5-032)

## **2 APPLICANT’S COMMENTS ON DEADLINE 5 SUBMISSIONS (REP6-043)**

2.1 The Applicant sets out their comments on the PLA’s Deadline 5 submissions on pages 38 to 52 of REP6-043. The PLA does not seek to respond to each point here, particularly in relation to the approaches to the Port as these were expanded upon in the PLA’s deadline 6 submission. Other matters such as pre-construction surveys, the cable installation depth, comments on the oCSIP etc are addressed elsewhere in this representation and so to avoid repetition are not repeated here.

## **3 DRAFT DEVELOPMENT CONSENT ORDER (“DDCO”) (REP6-008)**

3.1 The dDCO was updated at deadline 6 in accordance with the Applicant’s Rule 17 response. This includes:

- Definition of Deep Water Route (“**DWR**”) Cable Installation Area (Future Dredging depths) plan
- An offshore works requirement (2)(3) in relation to cable installation and the DWRs
- An amendment to condition 4(3) of the Schedule 11 Deemed Marine Licence (Transmission Assets) to include a qualification in relation to navigable depth at the DWR Cable Installation Area in relation to cable protection replenishment.

3.2 The PLA’s comments on the DWR commitments are set out in its Rule 17 response which was submitted at deadline 6 and these comments still stand.

3.3 The Applicant, PLA and London Gateway Port Limited have had further discussions regarding protective provisions. The PLA’s substantive response on this point is set out in the PLA’s Response to the Examining Authorities written questions and response for information issued on 3 February 2025 (DCO.3.09).

3.4 The PLA and the MMO have also had further discussions regarding the Schedule 11 Deemed Marine Licence and the PLA has included a substantive response in the PLA’s Response to the Examining Authorities written questions and response for information issued on 3 February 2025 (DCO.3.16).

#### **4. OUTLINE CABLE SPECIFICATION AND INSTALLATION PLAN (“oCSIP”) (REP6-021)**

4.1 The PLA welcomes the updates that were made to the oCSIP at Deadline 6 and has the following residual comments:

(a) Whilst the update to the definition of DWR areas on page 7 is welcomed, it is questioned why the commitments continue to relate solely to installation and do not extend to maintenance. It is not clear from the document whether, when using the term installation, that this also means maintenance and the commitments in relation to the DWRs are as important during maintenance as they are during installation. It is also of note that there are two specific references to ‘installation and maintenance’ in the oCSIP: in table 1 and at paragraph 2.2.3 which therefore seems to imply that some commitments relate to installation and others relate to installation and maintenance. The PLA would suggest that the simplest solution would be to make it clear in the definition of DWR areas that the commitments in relation to the DWRs extend to installation and maintenance.

(b) The PLA considers that Table 1 could still be made clearer in relation to the DWRs – for example, the updates in relation in navigable depth set out that cable crossings are subject to the commitment on cable installation within the DWRs but the text relating to installation says ensuring use by deep draughted vessels ‘is not compromised’. Given that there is now a requirement within the dDCO it may be clearer to simply refer to the need to be compliant with Requirement (2)(3).

(c) The amendment to paragraph 4.3.3 requires further amendment as it still does not ensure that dredging to 22m below CD will be achieved. As drafted it states it will not ‘impede dredging’ but gives no specific depth of dredging – again it may be clearer to refer to the need to be compliant with Requirement (2)(3).

(d) When referring to dredging, the oCSIP needs to be clear that potential over dredging must be allowed for.

(e) Following recent experience elsewhere, the PLA would wish for the document to be clear that no wet storage will occur in the DWRs.

The PLA has discussed all of these amendments with the Applicant, and it is expected that the document will be updated at deadline (7) to address the above points. The PLA expects that with the above updates, it will be able to confirm to the Examining Authority that it is content with the content of the oCSIP.

#### **5. OUTLINE SEDIMENT DISPOSAL MANAGEMENT PLAN (REP6-042)**

5.1 The PLA welcome the updates to the Sediment Disposal Management Plan in relation to the need to safeguard dredging to 22m below chart datum. Unfortunately, the opportunity has not been taken to make it clear that the document relates to installation and maintenance. This is surprising given the Applicants comments during ISH6 and as set out in their written summary of oral subs (REP6-045) at paragraph 1.4.6 *“Responding to the request for the Applicant to commit to restrictions in the Outline Sediment Disposal Management Plan [REP4- 041] during the maintenance period (as well as construction) in the PLA’s Deadline 5 response [REP5-107], the Applicant confirmed that the same commitments will be in place for the DWRs during the maintenance period as well.”*

5.2 Whilst some clarification has been provided in relation to the pilot boarding area it does not appear to rule out disposal of material in this area – stating at paragraph 3.5.2 that it will avoid, where possible, the disposal of material. This does not provide the certainty required in relation to this very important area for navigation. The reference to not reducing navigable depth within the pilot boarding area has not been amended so it is not clear whether this is from current depths or whether up to 5% of navigable depth could be lost

5.3 The Applicant sets out in their comments on deadline 5 submissions (REP6-043) that they have considered changes to sediment pathways from construction activities (including disposal) but do not consider this warrants assessment of impact to Shipping and Navigation receptors. Mitigations around preserving existing navigable depths are solely focused on the use of cable protection and so there are no reactive measures to deal with shoaling as a result of disposal immediately adjacent to the DWRs. The use of a an additional 50m buffer either side of the DWRs would provide a proactive mitigation in the absence of reactive measures.

**6. CERTIFIED DEEP WATER ROUTE INSTALLATION AREA (FUTURE DREDGING DEPTHS) PLAN (REP6-055)**

6.1 For the avoidance of doubt, the PLA has no comments on the certified deep water route installation area (future dredging depths) plan. The areas shown on the plan, accurately reflect the discussions and agreement reached within the area relating to the Sunk and Trinity DWR's and the required future dredging depths.

**7. TECHNICAL NOTE – FIVE ESTUARIES RELEVANT NAVIGATIONAL FEATURES FOR ACCESSING LOCAL PORTS (REP6-040)**

7.1 The Applicant has produced an overview of the navigational features for accessing local ports. The technical note relates to current vessel activity and not potential routes for deeper (20m) draught vessels in the future. It is not clear why this technical note was produced, and it would be helpful to understand the purpose of the technical note and why it has been produced. It would have also been helpful to discuss the content of the technical note with the PLA prior to its submission into the Examination. As currently drafted, the technical note appears to be heavily focused towards Harwich. No PLA documentation has been used despite the Sunk and the Trinity DWRs being the approaches to the Port of London. There are also several misunderstandings/misinterpretations of the information. It is recommended that a meeting is held with the PLA before deadline 8 so that an updated technical note can be submitted into the Examination at that time.

**8. OUTLINE NAVIGATION AND INSTALLATION PLAN (“ONIP”)**

8.1 The PLA set out in its deadline 6 response (REP6-058) comments on the deadline 5 version of the oNIP (REP5-031). The Applicant shared a further version of the oNIP with the PLA prior to deadline 7 and the PLA and the Applicant were also able to meet to discuss the document. The PLA understands that the oNIP will be updated in accordance with the agreement reached in the meeting on 25 February 2025 and will be submitted to the examination at deadline 7. It is anticipated that with the agreed updates the PLA will be able to approve the content of the oNIP.