



# FIVE ESTUARIES OFFSHORE WIND FARM

## STATEMENT OF COMMON GROUND

### PORT OF LONDON AUTHORITY

|                              |                             |                                      |
|------------------------------|-----------------------------|--------------------------------------|
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## DEFINITION OF ACRONYMS

| Term  | Definition                                    |
|-------|---|
| ALARP | As Low As Reasonably Practicable              |
| CBRA  | Cable Burial Risk Assessment                  |
| CD    | Chart Datum                                   |
| CSIP  | Cable Specification and Installation Plan     |
| DCO   | Development Consent Order                     |
| dML   | Deemed Marine Licence                         |
| DWR   | Deep Water Route                              |
| ECC   | Export Cable Corridor                         |
| ES    | Environmental Statement                       |
| ETG   | Expert Topic Group                            |
| km    | Kilometre                                     |
| m     | Metre   |
| MW    | Megawatts                                     |
| NIP   | Navigation Installation Plan                  |
| nm    | Nautical Mile                                 |
| NRA   | Navigational Risk Assessment                  |
| NSIP  | Nationally Significant Infrastructure Project |
| PLA   | Port of London Authority                      |
| SoCG  | Statement of Common Ground                    |
| VEOWF | Five Estuaries Offshore Wind Farm             |



## **1 INTRODUCTION**

### **1.1 BACKGROUND**

- 1.1.1 This Statement of Common Ground (SoCG) has been prepared between Five Estuaries Offshore Wind Farm Limited (hereafter referred to as ‘the Applicant’) and the Port of London Authority (hereafter referred to as the “PLA”) to set out the areas of agreement and disagreement between the two parties in relation to the proposed Development Consent Order (DCO) application for the Five Estuaries Offshore Wind Farm (hereafter referred to as “VEOWF”).
- 1.1.2 Following detailed discussions undertaken between the parties, the Applicant and the PLA have sought to progress a SoCG. It is the intention that this document provides the Planning Inspectorate with a clear overview of the level of common ground between both parties. This document will be updated if any additional points are identified or any positions change during the Examination.

### **1.2 APPROACH TO SOCG**

- 1.2.1 This SoCG sets out the topic, a brief summary of the issue or matter subject to disagreement or agreement, the position of the Applicant and that of the PLA, and a colour coding to illustrate the level of agreement and/or materiality.
- 1.2.2 A full description of the approach adopted is set out in 9.33 Approach to Statements of Common Ground (APP-266) submitted as part of the DCO application.

### **1.3 THE PROPOSED DEVELOPMENT**

- 1.3.1 VEOWF is the proposed extension to the operational Galloper Offshore Wind Farm. The project includes provision for the construction, operation, maintenance and decommissioning of an offshore wind farm located approximately 37 kilometres (km) (20 nautical miles (nm)) off the coast of Suffolk at its closest point in the southern North Sea; including up to 79 wind turbine generators and associated infrastructure making landfall at Sandy Point between Frinton-on-Sea and Holland-on-Sea, the installation of underground cables, and the construction of an electrical substation and associated infrastructure near to the existing Lawford Substation to the west of Little Bromley in order to connect the development to National Grid’s proposed East Anglia Connection Node substation, which would be located nearby.
- 1.3.2 All onshore connection infrastructure would be located in the administrative area of Tendring District Council, within Essex County Council. VEOWF will have an overall capacity of greater than 100 Megawatts (MW) and therefore constitutes a Nationally Significant Infrastructure Project (NSIP) under the Section 15 (3) of the Planning Act 2008.
- 1.3.3 A full Project description is included in the Environmental Statement (ES), in particular 6.2.1 Offshore Project Description (APP-069) and 6.3.1 Onshore Project Description (APP-083).



## 2 THE PLA'S REMIT

### 2.1 INTRODUCTION

2.1.1 The PLA is the Statutory Harbour Authority for the tidal Thames, covering 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 Thames; managing public navigation and ensuring navigational safety and controlling vessel movements. As Harbour Authority the PLA is responsible for navigational safety both within its jurisdictional limits and in respect of the approaches to the limits. Its consent is required for the construction or carrying out of all works in the Thames. VEOWF lies outside of the PLA's landownership and limits under the 1968 Act; however in compliance with the requirements of the Port Marine Safety Code, as Harbour Authority the PLA has to discharge its general and specific statutory duties in respect of the conservancy of the harbour and its seaward approaches. The PLA's functions include the promotion of the use of the Thames for freight and passengers as an important and sustainable transport corridor and access to the River from its seaward approaches is therefore a key concern for the PLA.

2.1.2 The following application documents have informed the discussions with the PLA and address the elements of VEOWF that may affect the interests of the interested party:

- > 6.2.9 Shipping and Navigation (APP-078)
- > 9.9 Outline Cable Burial Risk Assessment (APP-239)
- > 9.10 Navigational Risk Assessment (APP-240)
- > 9.12 Outline Cable Specification and Installation Plan (APP-242)
- > 9.20 Outline Navigation Installation Plan (REP1-039)

2.1.3 The main areas of interest raised by the PLA were maintaining navigational safety, use of the pilot boarding station and access to the port, including in the future for vessels with a draught of 20m. These areas of interest extend to construction, operation and decommissioning of VEOWF.

2.1.4 The PLA and the Applicant have been working together to minimise possible impacts of the project on the PLA's operations.

### 2.2 CONSULTATION SUMMARY

2.2.1 Since 2019, the project has been engaging with relevant stakeholders through different levels of activity. The project has undertaken the necessary consultations before submitting the application and has held Expert Topic Groups (ETG) on a number of specific topics, as well as bilateral meetings with key stakeholders. The comments received and the meetings between the project and the interested party have informed the basis for this SoCG and are presented in [Table 2.1](#)~~Table 2.4~~.



**Table 2.1 PLA Consultation Overview**

| <b>Date</b>      | <b>Consultation Type</b>  | <b>Consultation</b>  |
|------------------|---------------------------|--|
| 2021             | Email correspondence      | Engagement with PLA started from the outset of the project in 2021.  |
| 24 February 2022 | Email correspondence      | Confirmation of interest in primarily providing feedback on the offshore Export Cable Corridor (ECC), and not the array areas. |
| 20 October 2022  | In person hazard Workshop | Discussion on the potential hazards of VEOWF, as well as mitigation measures to be applied.                                    |
| 09 May 2023      | Section 42 response       | Feedback on the VEOWF Navigational Risk Assessment (NRA) at the Preliminary Environmental Information Report (PEIR) stage.     |
| 12 October 2023  | Virtual meeting           | Discussion on amendments to the ECC following the PEIR.  |
| 23 January 2024  | Virtual meeting           | Discussion of the Navigation Installation Plan (NIP).  |
| 28 March 2024    | In person meeting         | Discussion of the NIP.   |
| 14 June 2024     | In person NIP workshop    | Meeting with relevant interested parties to discuss the NIP.   |
| 16 July 2024     | Email correspondence      | Feedback provided on the NIP for consideration in updated version.   |
| 04 October 2024  | In person meeting         | Meeting to discuss cable burial requirements associated with the VEOWF offshore ECC.   |
| 21 October 2024  | In person meeting         | Meeting to discuss cable burial requirements associated with the VEOWF offshore ECC.   |





| <b>Date</b> | <b>Consultation Type</b>                | <b>Consultation</b>  |
|-------------|---|--|
| Ongoing     | Virtual meetings / email correspondence | There have been regular ongoing meetings (including a standing monthly catch up) and email correspondence between VEOWF and PLA following submission and during examination. |



### 3 AGREEMENTS LOG

- 3.1.1 The following sections of this SoCG set out the level of agreement between the Applicant and the PLA for the relevant areas of interest identified in paragraph 2.1.3. The tables below detail the positions of the Applicant alongside those of the PLA and whether the matter is agreed or not agreed.
- 3.1.2 In order to easily identify whether a matter is 'agreed', 'not agreed' or an 'ongoing point of discussion', the agreements logs in the tables below are colour coded to represent the status of the position according to the criteria in Table 3.1 below. Colours were chosen in order to ensure inclusivity for the visibility of data.

**Table 3.1 Position Status Key**

| <b>POSITION STATUS</b>  | <b>COLOUR CODE</b>                 |
|---|------------------------------------|
| The matter is considered to be agreed between the parties.  | <b>Agreed</b>                      |
| The matter is neither 'agreed' or 'not agreed' and is a matter where further discussion is required between the parties, for example where relevant documents are being prepared or reviewed. | <b>Ongoing point of discussion</b> |
| The matter is not agreed between the parties.   | <b>Not agreed</b>                  |



**Table 3.2 Status of Discussions**

| Reference Number | Topic   | Applicant's Position   | PLA's Position   | Position Status  |
|------------------|---|--|--|--|
| PLA1             | Consultation                                      | The PLA has been adequately consulted regarding shipping and navigation to date. Engagement will continue during the examination and beyond.   | Since submission of the application regular (monthly) meetings have taken place between the PLA and the Applicant and topic specific meetings (e.g regarding deeper cable burial) have also taken place  | <b>Agreed</b>  |
| PLA2             | NRA   | The NRA (APP-240) and the Shipping and Navigation Chapter (APP-078) adequately identifies impacts associated with vessels navigating within PLA waters or in proximity to them including use of the relevant Deep Water Routes (DWR).  | The PLA is satisfied with the general approach taken by the Applicant to assessing impacts on shipping and navigation in the NRA and Shipping and Navigation Chapter of the ES.  | <b>Agreed</b>  |
| PLA4             | Cable burial depth (installation and maintenance) | A level for cable installation and maintenance in sensitive areas (in proximity to the Sunk and Trinity DWRs) that allows for dredging of the seabed to 22 metres (m) below Chart Datum (CD) to account for future 20m vessel draught plus 10% under keel clearance.   | The PLA agrees with the Applicant's summary.   | <b>Agreed</b>  |
| PLA4a            | Cable installation depth                          | This commitment is secured through dDCO requirement 2(3). Cable burial depth requirements are also appropriately defined in the outline Cable Specification and Installation Plan (CSIP), secured through the dML.   | Cable installation and maintenance depths are secured through dDCO requirement (2)(3) which the PLA understands will be submitted at deadline 7.   | <b>Content of oCSIP agreed.</b>                                      |
|                  |   |  |  | <b>Requirement (2)(3) agreed with the updated text at deadline 7</b> |
| PLA4b            | Pre-construction commitments (CSIP)               | The Applicant has committed to avoiding boulder relocation, archaeological find relocation and designing primary field joints within the DWR areas. These are appropriately secured in the Outline CSIP and the Outline Marine Written Scheme of Investigation.  | The PLA welcomes the Applicant's commitments which extend to boulder relocation, archaeological find relocation, primary field joints and wet storage. The PLA has also discussed wording for protective provisions regarding UXO (exact wording is not agreed). | <b>Content of oCSIP agreed</b>                                       |
|                  |   |  |  | <b>Not agreed in relation to drafting of protective provisions</b>   |
| PLA4c            | Cable crossings (CSIP)                            | Cable crossings for known future projects (specifically North Falls and Sealink) will be undertaken in deep water to the east of the Margate and Long Sands SAC. Crossings will not occur in the DWR areas. This is appropriately secured in the Outline CSIP.   | The PLA welcomes the Applicant's confirmation that crossings will not occur in the DWRs  | <b>Agreed</b>  |
| PLA4d            | Area for deeper cable burial                      | The area over which deeper cable installation is committed to is set out in the OCSIP and has been informed through engagement with the PLA and other ports. This area represents an appropriate compromise between limiting additional cable installation works and providing sufficient flexibility for future DWR dredging. | The PLA has agreed the area for deeper cable installation. This area is shown on 10.51 Certified Deep Water Route Cable Installation Area (Future Dredging Depths) Plan (REP6-055).  | <b>Agreed</b>  |



| Reference Number | Topic   | Applicant's Position   | PLA's Position  | Position Status  |
|------------------|---|--|---|--|
| PLA5             | NIP   | The outline NIP [REP1-039] is an appropriate mechanism for minimising the significance of effect associated with relevant shipping and navigation impacts (temporary and permanent) associated with cable installation, operation and maintenance in the area of interest including managing the potential for concurrent working. It is recognised that compliance with the NIP is secured within the DCO (deemed Marine Licence (dML)).  | The PLA considers that the NiP is an appropriate mechanism for minimising shipping and navigation impacts during cable installation and maintenance including in relation to the Sunk Pilot Diamond and the DWR's. The PLA and the Applicant have agreed the content of the NiP and the PLA expects the agreed document to be submitted at DL7. The PLA still considers that due to the importance of this document for vessels entering and exiting the UK's largest Port, that the PLA should have approval of this document through protective provisions (see PLA 9). | Agreed for content<br>Not agreed for approval                                    |
| PLA5a            | NIP (Pre-construction surveys)                                | The Applicant has provided for consultation and engagement with the PLA on pre-construction surveys in the Protective Provisions.  | Discussions have taken place regarding addressing this matter through protective provisions for the PLA. Protective provision wording not agreed  | Not agreed in relation to drafting of protective provisions                      |
| PLA6             | Permanent impacts from the offshore substation platforms      | The Works Plans has been amended within the DCO (dML) to confirm that there are no offshore substations within the ECC apart from where it overlaps with the array areas.  | Following amendments to the Works Plans the PLA is satisfied that offshore substations would not be located within the ECC  | Agreed   |
| PLA7             | Temporary impacts on the PLA's onshore navigational equipment | Potential impacts to the PLA's onshore navigational equipment are appropriately controlled through protective provisions for the benefit of the PLA.   | Onshore protective provisions have been agreed and were submitted at deadline 4.  | Agreed   |
| PLA8             | Sediment disposal   | The Applicant commits to no sediment disposal in the Deep Water Routes and will not dispose of sediment within the 'area of interest' around the pilot boarding station, where that disposal would reduce navigable depth below 22m CD. This commitment is secured through a Sediment Disposal Management Plan which is conditioned in the dML.  | The PLA welcomes the commitment within this SoCG to no sediment disposal in the DWR and in relation to the area of interest. The PLA's comments on the plan are set out in its DL7 response.  | Ongoing point of discussion. Expect to reach agreement by the end of examination |
| PLA9             | Offshore Protective Provisions                                | Offshore PPs will be provided for the benefit of the PLA. The majority of the PPs are agreed, however the Applicant does not accept that approval of dML-secured plans is appropriate, given these already require approval by the MMO and affect more parties than the PLA. The Applicant does not accept the need for indemnity and sees no scenario where the PLA is capable of being held liable for works the Applicant is undertaking, particularly as this is outside of the statutory harbour limits. Whilst some limited duties under the Port Marine Safety Code may extend outside of these limits (and this applies for all ports in the area), the PLA can reasonably only be responsible for matters under their control, and the statutory authority for shipping and navigation in the area of the ECC is the MCA. | The PLA considers that whilst protective provisions could secure appropriate protections for the ongoing operation of the port, agreement has not been reached yet on the scope of the offshore protective provisions. The PLA submitted its preferred form of protective provisions at deadline 7.   | Not Agreed   |
| PLA10            | DCO / dML   | The Applicant considers that the appropriate approving party for dML conditions, given the Project's location outside of harbour limits, is the MMO as regulator. They in their capacity of approving authority will consult with relevant consultees including the PLA and therefore  | The PLA submitted proposed amendments to the Schedule 11 dML at deadline 7  | Ongoing  |



| Reference Number | Topic   | Applicant's Position   | PLA's Position  | Position Status   |
|------------------|---|--|---|-------------------|
|                  |   | individual consultees do not need to be identified in the dML  |   |                   |
| PLA10a           | DCO/ dML – approval of the NIP, CSIP and Operation and Maintenance Plan | The NIP, as a pre-construction plan applying to a wide area of the export cable corridor is for the approval of the MMO as regulator. Multiple parties have the potential to be affected by the works that are controlled through the NIP and it is therefore correct that there is a single approver (the MMO) who can consult with all parties. The NIP contains a requirement for the Applicant to seek agreement with relevant parties including the PLA ahead of submission to the MMO. | The PLA considers that given the importance of the NiP, CSIP and Operation and Maintenance Plan in relation to cable installation and maintenance and mitigating and managing impacts in relation to vessels entering and exiting the Port of London that the PLA should approval of these documents through its protective provisions. | <b>Not Agreed</b> |



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