

# 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 decomissioning 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 2.1 PLA Consultation Overview

Date	Consultation Type	Consultation
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.



Date	Consultation Type	Consultation
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

POSITION STATUS	COLOUR CODE
The matter is considered to be agreed between the parties.	Agreed
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.	Ongoing point of discussion
The matter is not agreed between the parties.	Not agreed



**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	Agreed
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.	Agreed
PLA4	Cable burial depth (installation and maintenance)	A cable installation depth 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.	Agreed
PLA4a	Cable burial depth (CSIP)	Cable burial depth requirements are appropriately defined in the outline Cable Specification and Installation Plan (CSIP), secured through the dML.	The PLA considers that cable burial depth requirements including in relation to maintenance and cable crossings could be appropriately defined in the outline CSIP and are reviewing Rev B of the oCSIP which was submitted to the examination at deadline 4. The PLA 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.	Ongoing point of discussion – OCSIP review ongoing, expect to be able to reach agreement by close of examination
PLA4b	Preconstruction activities (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 and is reviewing the oCSIP and Outline Marine Written Scheme of Investigation that were submitted at deadline 4.	Ongoing point of discussion – OCSIP review ongoing, expect to be able to reach agreement by close of examination
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 and is reviewing the oCSIP that was submitted at deadline 4.	Ongoing point of discussion – OCSIP review ongoing, expect to be able to reach agreement by close of examination
PLA4d	Area for deeper cable burial	The area over which deeper cable installation is committed to is set out 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 is reviewing the Applicant's proposed areas for deeper cable burial and will be responding to the Applicant shortly.	Ongoing discussion – capable of being agreed.
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	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 considers that due to the importance of this document for vessels entering and exiting the UK's	Ongoing point of discussion – PLA have received Rev C of the NIP and will provide comments to the Applicant. Expect to be able to reach agreement



Reference Number	Topic	Applicant's Position	PLA's Position	Position Status
		recognised that compliance with the NIP is secured within the DCO (deemed Marine Licence (dML)).	largest Port, that the PLA should have approval of this document through protective provisions.	by the close of examination
PLA5a	NIP (Pre-construction surveys)	The Applicant does not consider that pre-construction surveys need to be controlled by the NIP as they are capable of being successfully managed through routine engagement and notices to mariners, as has been the case during the pre-consent phase. Engagement with the local ports would routinely be done where surveys have the potential to affect their operations, and the Applicant is considering where this commitment to engagement may most appropriate be captured. However as the NIP is a construction plan which requires submission to the MMO 6 months prior to works, it would be disproportionate and unworkable to require this for preconstruction surveys.	The PLA and the Applicant are discussing this issue. There is no requirement in the DCO application for engagement to take place with the PLA and it could therefore not occur. The PLA considers this matter could be appropriately dealt with through offshore protective provisions.	Ongoing discussion
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 is reviewing the Sediment Disposal Management Plan that was submitted at Deadline 4	Ongoing point of discussion – PLA are reviewing the SDMP. Expect to reach agreement by the end of examination
PLA9	Offshore Protective Provisions	Offshore PPs will be provided for the benefit of the PLA. Discussions are ongoing with PLA on the form of PPs.	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 and the PLA requires them to be more extensive than the Applicant has proposed if the ongoing operation of the port is to be appropriately safeguarded. They need, for example, to include pre construction activities such as surveys and monitoring as well as approval of the NIP, CSIP and its associated CBRA.	Ongoing point of discussion – negotiations are ongoing. The Applicant and PLA are hopeful that PPs can be agreed, however preferred versions may need to be submitted separately.
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 individual consultees do not need to be identified in the dML	The PLA considers that given the Applicant's current stance in relation to offshore protective provisions and the importance of maintaining access and egress to the largest Port in the Country, that it should be clear in the dML when the PLA must be consulted by the MMO.	Ongoing
PLA10a	DCO/ dML – approval of the NIP	The NIP, as a pre-construction plan applying to a wide area of the export cable corridor is for the approval of the	The PLA considers that given the importance of the NiP in mitigating and managing impacts in relation to vessels	Not Agreed



Reference Number	Topic	Applicant's Position	PLA's Position	Position Status
		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.	entering and exiting the Port of London that the PLA should have approval of the NiP through its protective provisions.	



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