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Applicant,
Marine Management Organisation,
Maritime and Coastguard Agency,
Harwich Haven Authority,
London Gateway Port Limited and
Port of London Authority

Your Ref:

Our Ref: EN010115

Date: 27 January 2025

Dear Sirs

The Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) – Rule 17

Application by Five Estuaries Offshore Wind Farm Limited for an order granting development consent for the Five Estuaries Offshore Wind Farm project

Request for further information

Further to the holding of Issue Specific Hearing 7 (draft Development Consent Order Matters [dDCO]) (ISH7), we are writing under Rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) with respect to the depth of sea water to be maintained within the Deep Water Routes (DWRs) affected by the export cable corridor for the proposed Five Estuaries Offshore Wind Farm. Harwich Haven Authority (HHA), London Gateway Port Limited (LGPL) and the Port of London Authority (PLA) have variously submitted during the course of the Examination that the within the DWRs the export cables should be installed with a sufficient level below Chart Datum to ensure the presence of the cables would not affect the passage of vessels with draughts of up to 20 metres.

The HHA has submitted that it considers the export cable (and any covering material e.g. rock armour) would need to be installed to achieve a level of at least 22 metres below Chart Datum (CD) [AS-069]. The PLA has submitted in [REP5-107] that within the DWRs the export cable would need to be buried to a level that would allow dredging to a depth of 22 metres below CD. The signed Statements of Common Ground the Applicant has entered into with HHA [REP5-057], LGPL [REP5-059] and PLA [REP5-066] record agreement between those Interested Parties for there to be a cable installation depth within the DWRs that would enable dredging of the seabed up to a level of 22 metres below CD.

The Applicant has submitted that previously mentioned installation depth for the export cable within the DWRs would be secured in any made Development Consent Order (DCO) through the Marine Management Organisation's (MMO) approval of a final version of the

“Cable Specification and Installation Plan” under the provisions of the Deemed Marine Licence (DML) for the proposed Transmission Assets (Schedule 11 in the draft DCO [REP-007]). The PLA contends the Protective Provisions in its favour should include an ability for it to ensure cable installation within the DWRs would allow for dredging of the seabed to 22 metres below CD.

Given the current disagreement about the most appropriate mechanism for ensuring the export cables’ installation within the DWRs would not impede upon the passage of vessels with draughts of up to 20 metres, the Examining Authority considers in the interests of precision and enforceability that this is a matter that might appropriately be addressed by:

- incorporating a parameter into Table 1 in Requirement 2 of Schedule 2; or
- adding a standalone requirement within Schedule 2; or
- an express condition within the DML for the Transmission Assets; or
- additions to both Schedules 2 and 11.

The ExA considers the following wording might be suitable:

‘The construction, operation or decommissioning of the authorised development within the Deep Water Routes, as shown on drawing/plan ?????, must at no time preclude the dredging of the Deep Water Routes to a depth of 22 metres below Chart Datum’.

(Any such requirement or condition included in Schedules 2 and/or 11 would need to be accompanied by a plan or drawing identifying the extent of the affected DWRs relative to the proposed export cable corridor to be submitted by the Applicant as a document that could be included amongst the documents to be certified under Schedule 15 of the dDCO)

The Applicant, MMO, Maritime and Coastguard Agency, HHA, LGPL and PLA are requested to:

- 1) Consider the abovementioned wording for a DWRs parameter and advise on whether they consider the suggested wording would be suitable as drafted or would require amendment, suggesting any amendments considered to be necessary.
- 2) Advise on how the abovementioned wording of a DWRs parameter could be incorporated into the provisions of a made DCO, ie as an additional parameter incorporated into Table 1 of Requirement 2 in Schedule 2, a new standalone requirement in Schedule 2 or as an additional condition with the DML for the Transmission Assets (Schedule 11) or a combination of changes to both Schedules 2 and 11.

Responses to this request for further information should be submitted no later than **Deadline 6 (11 February 2025)**.

Other Interested Parties may also wish to respond to this request.

Yours faithfully

Grahame Gould

Grahame Gould
Lead Member of the Panel of Examining Inspectors

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