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29 January 2025

Grahame Gould
National Infrastructure Planning
Temple Quay House
2 The Square
Bristol, BS1 6PN

Ref: EN010115

Dear Mr. Gould,

**Re: The Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 17
Application by Five Estuaries Offshore Wind Farm Limited for Development Consent Order
Request for Further Information Regarding Deep Water Routes (DWRs) and Export Cable
Installation**

Thank you for your correspondence dated 27 January 2025, seeking input on the proposed parameter to ensure that the installation of export cables within the Sunk area do not impede dredging or the passage of future deep draught vessels. We provide our response to the specific requests below.

1. Consideration of Proposed Wording for a DWRs Parameter

The suggested wording for the parameter:

"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"

We broadly support the principle behind the proposed wording, as it provides a clear and enforceable commitment to safeguarding navigation and dredging within the DWRs. However, we would suggest the following amendments to ensure precision and clarity:

- Consider explicitly including "and any covering material (e.g., rock armour)" after "authorised development" to clarify that both the cables and associated materials must not impede dredging.
- Amend "preclude the dredging" to "prevent or impede dredging" to provide a broader interpretation covering operational flexibility for the harbour authorities.

Revised wording suggestion:

Revised wording suggestion:

"The construction, operation or decommissioning of the authorised development, including any covering material (e.g., rock armour), within the Deep Water Routes, as shown on [specific drawing/plan], must at no time prevent or impede the dredging of the Deep Water Routes to a depth of 22 metres below Chart Datum."





This revised wording strengthens enforceability and avoids ambiguity, while maintaining the intended objective.

2. Mechanism for Incorporating the DWRs Parameter in the DCO

In terms of how this parameter might be incorporated into the provisions of the DCO, we would consider the following to be proportionate:

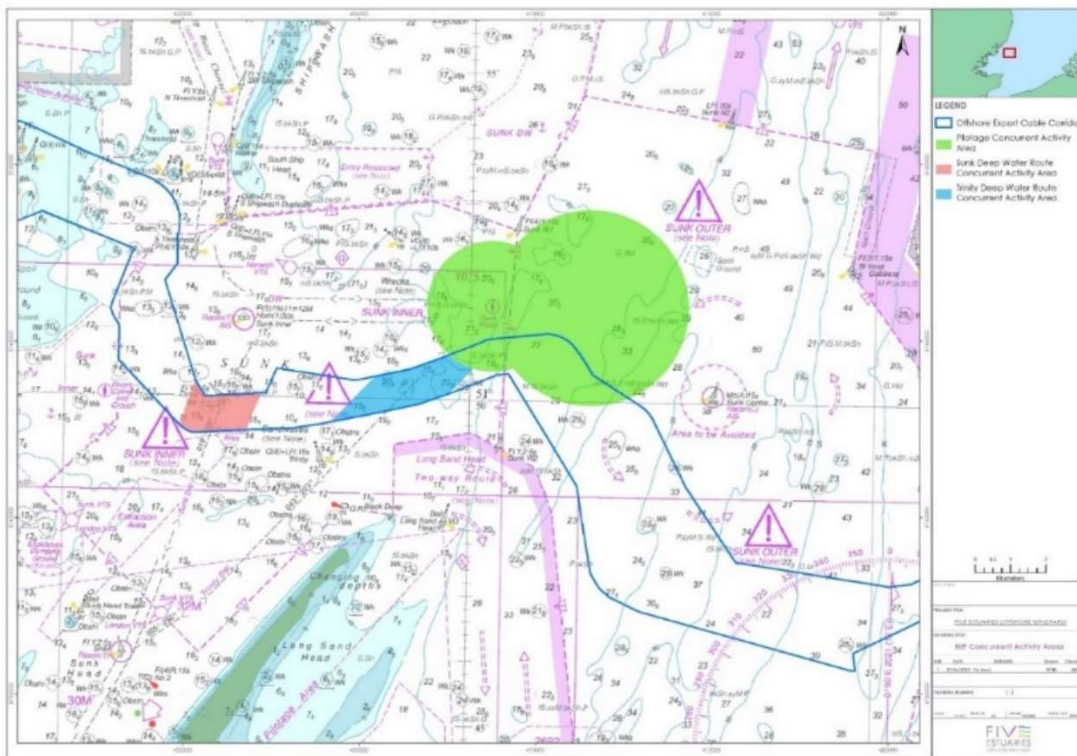
- **Primary Mechanism:** Introduce the parameter as an express condition within the Deemed Marine Licence (DML) for the Transmission Assets (Schedule 11). This ensures the Marine Management Organisation (MMO) has direct oversight during the licensing process and in relation to ongoing compliance.
- **Supplementary Mechanism:** Reflect the parameter in Table 1 of Requirement 2 within Schedule 2 as a new standalone parameter. This ensures the installation depth requirement is acknowledged within the overarching project requirements, complementing the detailed DML provisions. Please note: we request depths / heights should be referenced to Chart Datum (CD), and not MHWS or HAT.
- **Justification for Dual Inclusion:** The dual approach ensures enforceability across both the overarching project framework and the more detailed marine licensing process, providing clarity for all stakeholders, including harbour authorities, the applicant, and the MMO.

3. Recommendations for Associated Drawings/Plans

We recommend that the area plan (shown below), which is based on a section of UKHO Admiralty Chart number 2052 and is currently used to illustrate pilotage concurrent activity within the Navigation Implementation Plan, be adapted to clearly depict the specific location of the requirement. This adaptation would ensure that all relevant stakeholders have a precise visual reference for the affected area, aiding in the effective implementation and enforcement of the requirement within the Development Consent Order.

The plan should be directly referenced in the DCO Schedule 2 Requirement 2 and the Schedule 11 DML to provide clarity and ensure enforceability.





Conclusion

We appreciate the Examining Authority's thorough consideration of this issue and support the proposed measures to safeguard navigation and dredging activities within The Sunk area and DWRs. We trust that our suggested amendments and mechanisms provide a constructive contribution to finalising the provisions within the draft DCO.

Should further clarification or discussion be required, we would be pleased to assist.

Yours sincerely,

William Barker

Marine Director
Harwich Haven Authority