

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

**PINS REFERENCE EN010115**

**LONDON GATEWAY PORT LIMITED (IP REF 20049288)**

**RESPONSE TO THE EXAMINING AUTHORITY’S THIRD WRITTEN QUESTIONS (ExQ3)**

In its Written Questions of 3 February 2025 the Examining Authority ("ExA") directs certain questions at London Gateway Port Limited ("**LGPL**"). We set out below the response of LGPL to those questions. We also provide comments on behalf of LGPL to certain other questions of interest to LGPL.

No:	Question to	Question	Response
DCO.3.09	Affinity Water Limited, Cadent Gas Limited, Environment Agency, Essex County Council, London Gateway Port Limited, National Highways, Network Rail, North Falls Offshore Wind Farm Limited and Port of London Authority	<b>Protective Provisions</b>  With respect to negotiating Protective Provisions, advise on what the current position is with respect to agreeing a set of Protective Provisions in your favour with the Applicant. Where there is disagreement with the Applicant explain why that is the case and where any disagreement relates to matters of detailed drafting submit the version of your preferred text.	LGPL's response to Deadline 6 [REP6-080] sets out the form of the Protective Provisions that it requires. They have been discussed in outline with the Applicant, but there is no present indication that they agreed – the Applicant has suggested certain changes will be made to the DML and elsewhere in the dDCO to deal with certain issues raised but we have not had sight of those proposed changes.  It is LGPL's position that its Protective Provisions are required whatever is the position reached with the PLA.
DCO.3.14	Applicant, MMO, Maritime and Coastguard Agency, HHA, London Gateway Port Limited and Port of London Authority	<b>Condition 4 (Maintenance of the authorised development) of Schedule 11 (Deemed marine licence – Transmission Assets)</b>  Further to the ExA's request for further information sought in [PD-024] and in the event of a minimum dredging depth parameter for the Deep Water Routes (DWRs) being incorporated into any made DCO, comment on any changes for the drafting of Condition 4 of Schedule 11, most particularly in respect of subsection (3), that might be necessary to ensure there would be no inconsistency between the water depths required in the DWRs and the parts of the authorised development that would be outside the DWRs.	In LGPL's response to Deadline 6 [REP6-080], we set out LGPL's position that the minimum dredging depth parameter must be set out as a Requirement (we proposed a new Requirement 3A) and that having set the matter out in a new Requirement, although it is not strictly necessary for the matters to be repeated in the DML in Schedule 11, it may be convenient to reiterate the provision in the DML so as to ensure those persons implementing the DML are fully aware of the restrictions set out in the Requirements, even if they only consider the DML.  Accordingly, in terms of the specific change to the Conditions to the DML in Schedule 11, if that is deemed necessary in addition to the Requirement, we would propose the following: <ul style="list-style-type: none"><li>• A new condition 3A – "In the design, implementation, operation and maintenance of any marine activities covered by this licence the undertaker must ensure that a dredged depth of the Deep Water Routes to a depth of 22m below CD is not precluded or impeded and that a dredged depth of the Deep Water Routes Buffer to a depth of 19m below CD is not precluded or impeded."</li></ul> Question DCO.3.14 refers to Condition 4 of Schedule 11 – by reference to the version of the Order in [REP6-008], Condition 4 relates to maintenance of the authorised development. The necessary provision needs to relate not just to the maintenance, hence the suggestion for a new condition 3A as set out above.  The reduction in dredge depth by 5% in Condition 4 is acceptable provided always that it is subject to the overall requirement set out in out Requirement 3A / the proposed

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			<p>Condition 3A above – that is any 5% reduction must not reduce the dredgeable depth by the relevant amounts stated in the Deep Water Routes / Deep Water Routes Buffer.</p> <p>LGPL does not have a concern that water depths outside the Deep Water Routes and the Deep Water Routes Buffer might be less than those specified and so does not see the need for any amendment to Condition 4(3) to ensure consistency in that regard as referenced in the question.</p>
DCO.3.17	Port of London Authority (PLA)	<p><b>Approval of the Navigation and Installation Plan (NIP) as part of the DMLs</b></p> <p>In paragraph 2.5 of REP3-035] you have provided examples of made DCOs for projects on the river Thames where Protective Provisions in favour of the Port of London have been included enabling you, as well as the MMO via DMLs included in those made DCOs, to approve NIPs.</p> <p>a) Is the PLA's relationship with the made DCOs for projects on the river Thames directly comparable with those for the Proposed Development, given: (1) for the river Thames the PLA is the Statutory Harbour Authority (SHA) and the Order Limits for the made DCOs on the river Thames are wholly within the SHA's area of jurisdiction; and (2) the PLA's jurisdiction does not include the Order Limits for the Proposed Development?</p> <p>b) Submit any made DCOs for projects with Order Limits beyond the PLA's area of jurisdiction that have included mechanisms for the PLA to issue approvals.</p>	<p>LGPL does not comment on the need or not for provisions in favour of the PLA, however, LGPL does need its own protective provisions, the principle of which is already included in the dDCO, with the amendments proposed in its response at Deadline 6 [REP6-080]. This is due to the need to ensure adequate access for large container vessels to London Gateway Port and LGPL's express powers in the London Gateway Port Harbour Empowerment Order to maintain dredged depth along the navigational channel passing through the Deep Water Routes.</p>
NS.3.02	Applicant	<p><b>Pre-construction activities within the Deep Water Routes (DWR)</b></p> <p>During Issue Specific Hearing 6, you advised that the Outline Navigation and Installation Plan [REP5-031] was not the appropriate mechanism to control pre-construction activities within DWRs, as had been requested previously by the PLA. Please explain how you intend to provide comfort to the Ports and Port Authorities that any pre-construction activities could be carried out safely and without delaying scheduled commercial vessels using the DWRs.</p>	<p>LGPL notes this question and will wish to review and respond to the applicant's explanation.</p>