

THE INFRASTRUCTURE PLANNING (EXAMINATIONS PROCEDURE) RULES 2010

NORTH FALLS OFFSHORE WIND FARM DEVELOPMENT CONSENT ORDER

PINS REFERENCE EN010119

**DEADLINE 4: PORT OF LONDON
AUTHORITY'S COMMENTS ON SUBMISSIONS
RECEIVED AT DEADLINE 3**

1 INTRODUCTION

- 1.1 This is a written submission made on behalf of the Port of London Authority (“PLA”) in respect of comments on Deadline 3 submissions.
- 1.2 Documents referred to in this submission are:
- (a) Applicant’s Comments on Responses to ExQ1 (REP3-036);
 - (b) Applicant’s Comments on Written Representations (REP3-037);
 - (c) Cumulative Effects Assessment Summary (REP3-042); and
 - (d) Deemed Marine Licence (Schedule 9 of the dDCO).

2 APPLICANT’S COMMENTS ON RESPONSES TO EXQ1 (REP3-036)

- 2.1 The Applicant has commented in REP3-036 on London Gateway Port Limited’s responses and the PLA’s responses to the Examining Authorities First Written Questions. When commenting on London Gateway’s response to Q15.1.7 and the issue of cable burial depths, the Applicant identifies the PLA as the relevant statutory stakeholder (emphasis added). Whilst the PLA is a relevant statutory stakeholder, London Gateway and the Port of Tilbury are also relevant. It is understood that London Gateway and the Port of Tilbury are engaging with the Applicant in relation to their respective interests.
- 2.2 The PLA notes the Applicant’s comments in relation to Q6.1.47 and that *“the Applicant’s position is that Protective Provisions (PPs) are not necessary to safeguard PLA’s statutory undertaking.”* This is not the response that the Applicant provided during Issue Specific Hearing 2 (ISH2) where the Applicant incorrectly asserted that there was an unwillingness of the PLA to move away from the PPs put forward by the PLA for the Five Estuaries DCO. It was in fact the PLA who on 4 March 2025 approached the Applicant to discuss PPs and the response received from the Applicant on 6 March 2025 was *“the Applicant’s position remains that protective provisions are not required.”* Following the close of ISH2, the PLA approached the Applicant again to try to enter into discussions with them about PP’s. In response we are told again that *“it remains my client’s position that PPs are not necessary”*. No explanation or justification for the Applicant’s position is provided. It has therefore not been possible to date to enter into any discussions with the Applicant regarding PPs due to the Applicant’s unwillingness to engage with the PLA about this matter. The Applicant has advised that they would like a meeting to discuss technical requirements in relation to cable burial, water depths etc. and the content of the outline CSIP, outline SDMP and (updated) NIP to take place between deadlines 4 and 5.
- 2.3 The PLA and the Applicant continue to exchange information regarding the radio link. Whilst the potential for impact is low, it has not been possible at this stage to fully rule out any impact. If an impact cannot be fully ruled out, a mechanism needs to be in place to ensure that the PLA has sight of the relevant details at the relevant time and can make representations to the Applicant where it is determined that an impact may occur in order for that impact to be designed out. This is best secured through protective provisions.

3. APPLICANT’S COMMENTS ON WRITTEN REPRESENTATIONS (REP3-037)

- 3.1 It is noted that the Applicant is to respond in full to the PLA’s Written Representation at a future deadline and that much emphasis is placed on the meeting that took place on the 19 March 2025. Given the Applicant’s position, the PLA cannot usefully provide comments or updates to the Examining Authority at this deadline in relation to any progress made on the issues raised in the PLA’s Written Representation. It is understood from ISH2 that the Applicant will be submitting an outline cable specification and installation plan, an updated outline navigation and installation plan and an outline sediment disposal management plan at deadline 4. The

PLA reiterates its position that it is willing to discuss the contents of any documents and to provide comments on draft documents prior to their submission into the examination and that the PLA is willing to meet with the Applicant to discuss specific technical matters in addition to having more general update meetings.

4. CUMULATIVE EFFECTS ASSESSMENT SUMMARY (REP3-042)

4.1 The purpose of the Cumulative Effects Assessment (“**CEA**”) Summary (REP3-042) is “*to provide an overview of all the potential offshore and onshore cumulative effects of the Project*”. The document states that it “*draws information from, and should be read in conjunction with, the following ES Chapters.*” The list includes Chapter 15 Shipping and Navigation and Chapter 31 Socio-economics.

4.2 Table 1.1 lists out projects that are included in the CEA for offshore technical assessments. A number of amendments are required to table 1.1:

- As the South & East Anglia (SEA) Link (**Sea Link**) project was submitted to the Planning Inspectorate on 27 March 2025 and accepted for examination on 23 April 2025, table 1.1 will need updating as further information is available on the Sea Link project.
- As the Examination has now closed for Five Estuaries this will need to be reflected in the table.
- It is questioned why the Five Estuaries offshore wind farm is quoted as being 12.9km at its closest distance from the North Falls offshore cable corridor and 0km from the array area. These two figures should be the opposite way round with the closest distance from the array areas being 12.9km and the closest distance from the cable corridors being 0km given that there is the potential for the cables to cross as shown on the Export Cable Crossing Zone Plan (REP1-059). This potential for North Falls crossing Five Estuaries (or vice versa) should also be set out in the rationale in table 1.1 which does not mention the potential for a cable crossing.
- The entry starting on page 39 relating to Shipping and Navigation refers to Five Estuaries and the closest distance from the offshore cable corridor being 0.7km.
- The entry starting on page 61 relating to Socio-economics does not include the various cables etc mentioned in relation to shipping and navigation. All of these projects have the potential to have cumulative socio-economic impacts with North Falls and the Ports given that they could have over-lapping construction or maintenance periods which impact the deep water routes or pilotage.

4.3 Table 1.11 provides a summary of the CEA outcomes for shipping and navigation. The only mitigation measures proposed are in relation to distances to be maintained from surface piercing structures. Unlike other tables there is no reference to embedded mitigation.

4.4 In relation to table 1.27 which concerns Socio-economics, there is no reference to the Port of London, only the ports of Felixstowe and Harwich.

5. DEEMED MARINE LICENCE (SCHEDULE 9 OF THE DDCO)

5.1 The PLA explained in its oral representations during ISH2 that it was in discussions with the MMO regarding amendments to Schedule 9 of the dDCO. A marked up copy of proposed amendments has been shared with MMO and the PLA understands the MMO is currently reviewing this document. A further update will be provided to the Examining Authority at deadline 5.