

PROPOSED NORTH FALLS OFFSHORE WIND FARM DEVELOPMENT CONSENT ORDER

PINS REFERENCE EN010119

LONDON GATEWAY PORT LIMITED (IP REF 20050576)

RESPONSE TO THE EXAMINING AUTHORITY'S SECOND WRITTEN QUESTIONS (ExQ2)

In its Written Questions OF 13 May 2025, the Examining Authority ("ExA") directs a question at London Gateway Port Limited ("LGPL"). We set out below the response of LGPL to that question. We also provide comments on behalf of LGPL to certain other questions of interest to LGPL.

No:	Question to	Question	Response
Q9.1.1	The applicant, London Gateway Port Limited (LGPL), PLA	<p>Requirement 2 (3) – Offshore design parameters</p> <p>The applicant's post hearing summary [REP4-034] confirms that the applicant has considered the ports' request for a dDCO requirement to ensure the seabed can be dredged to a depth of 22m Chart Datum further and the applicant has proposed drafting for a new requirement 2(3) in Schedule 1, Part 3 of the dDCO [REP4-004] to secure the cable burial depths in the Deep Water Routes. The applicant and the ports are requested to confirm that the drafting of this requirement is agreed, and the matter resolved. If not, please identify any amendments sought giving reasons.</p>	<p>LGPL welcomes the inclusion of the proposed Requirement. LGPL has already conveyed to the Applicant that it considers the following drafting clarifications to be necessary:</p> <p>"(3) Any part of Work No. 3 and any associated development <u>the authorised development</u> located within the following areas shown on the Deep Water Route Cable Installation Area (Future Dredging Depths) Plan, must be <u>designed</u>, installed, <u>operated</u> and maintained at a level which would not preclude dredging:</p> <ul style="list-style-type: none"> (a) of the area shown shaded in orange and labelled Sunk A – Sunk DW Buffer, to a level of 22 metres below Chart Datum; (b) of the area shown shaded in pink and labelled Trinity – Trinity DW Buffer, to a level of 22 metres below Chart Datum; and (c) to the area shown cross hatched purple and labelled Sunk B – Sunk DW Buffer, to a level of 19 metres below Chart Datum.

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			<p><u>(4) The undertaker must not relocate any boulders or archaeological finds to the three areas referred to in paragraph (3)."</u></p> <p>The reasons for the amendments are:</p> <ul style="list-style-type: none"> • The Requirement should protect the Deep Water Routes against any activity carried out by the Applicant under the dDCO – not just Work No.3 or associated development – LGPL does not wish to have to be concerned with whether or not activities that may be carried out by the Applicant in the Deep Water Routes are Work No 3 or not – LGPL is concerned only to guard against the possible effect. Accordingly, we have changed the reference to cover "the authorised development". • Inclusion of the reference to design and operation provides more comprehensive coverage and will ensure that the need to protect the Deep Water Routes is adequately considered at all stages. • The logic of the Requirement to ensure the 'dredgeability' of the Deep Water Routes is not precluded extends to a need to ensure that additional boulders or archaeological finds are not relocated there. LGPL understands that the

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			<p>principle of that understanding is not controversial.</p> <p>LGPL has not yet heard from the Applicant as to whether or not the proposed amendments are agreed.</p>
Q9.4.1	The Applicant, LGPL, PLA	<p>Protective provisions sought by the Port of London Authority and the changes to the protective provisions sought by London Gateway Port Limited</p> <p>The protective provisions for the ports were discussed at ISH2. The applicant has submitted a full response at Deadline 4 on its position regarding protective provisions for the ports [REP4-044]. The applicant's Deadline 4 Action Points [REP4-036] has removed the protective provisions for the LGPL from the dDCO at deadline 4 [REP4-004]. The applicant has included a new Requirement 2(3) in the dDCO submitted at Deadline 4. In addition, the applicant has made changes to the Deep Route Cable Installation Areas (Future Dredging Depths) Plan [REP4-043], the Outline Cable Specification and Installation Plan [REP4-039], the Outline Sediment Disposal Management Plan [REP4-038] and updated Navigation and Installation Plan [REP4-012]. Updates have also been made to the DML conditions to make reference to these plans. The applicant's position is that protective provisions are not necessary, appropriate or reasonable in the circumstances, and would be unprecedented.</p>	<p>Please see separate document "LGPL's Response to Applicant's Response to Ports' Request for Protective Provisions" submitted alongside this document at Deadline 5.</p>

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		<p>(i) Given the additional measures secured by the Deadline 4 updates to application documents, please can LGPL and PLA indicate whether they still seek protective provisions and, if so, explain why the package of mitigation measures committed to by the applicant would not appropriately address their concerns and whether there are any other mitigation measures in relation to the Sunk and Trinity DWR and Sunk Pilotage area that would preclude the need for protective provisions.</p> <p>(ii) Please indicate whether LGPL and PLA agree that there would no risk of detriment to the statutory undertaking of the ports arising from the powers conferred by the dDCO? If not, please identify the specific statutory functions that would suffer such detriment and/or explain why it is not necessary to do so.</p>	
Q9.4.2	The Applicant	<p>The protective provisions sought by London Gateway Port Limited</p> <p>The LGPL post hearing submissions [REP4-077] submits that the applicant's position is a fundamental misunderstanding of how the London Gateway Harbour Empowerment Order 2008 (the HEO). They explain the rationale for the need for LGPL to have protective provisions based on the need to protect its statutory</p>	See above.

No:	Question to	Question	Response
		<p>powers to dredge and the need to protect the approach channel to London Gateway Port.</p> <p>(i) Does the applicant accept that the relevant statutory powers which LGPL seek to protect are set out in the HEO and that the need to protect the approach channel to London Gateway Port is fundamental to the exercise by LGPL of its statutory undertaking?</p> <p>(ii) Please explain why the Deadline 4 updated mitigation measures would provide sufficient detail and certainty in relation to preserving the future proofed dredge depth of the approaches to the port</p>	

Addleshaw Goddard LLP
30 May 2025