

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 THIRD WRITTEN QUESTIONS (ExQ3)

In its Written Questions of 1 July 2025, the Examining Authority ("ExA") directs questions at London Gateway Port Limited ("**LGPL**"). We set out below the response of LGPL to those question. We also provide comments on behalf of LGPL to certain other questions of interest to LGPL.

No:	Question to	Question	Response
Q9.2.2	HHA & LGPL	<p>Schedule 9 – Condition 22 (1)</p> <p>With reference to the draft DCO [REP5-009], Schedule 9, condition [22(1)] states: (1) The licensed activities for each stage of construction of the authorised development must not commence until the following (insofar as relevant to that activity or stage of activity) has been submitted to and approved in writing by the MMO, in consultation with, where relevant, Trinity House, the MCA, UK Hydrographic Office and, relevant SNCB and (in relation to the cable specification and installation plan, the navigation and installation plan and the sediment disposal management plan (under sub-paragraphs (h), (n) and (o)) only) the local harbour authorities—</p> <p>Could HHA and LGPL confirm whether they are content with the Applicant's proposed changes in bold above? If</p>	<p>LGPL's position remains that it should have a right to approve the final forms of the CSIP, NIP and SDMP prior to submission to the MMO. Although the Applicant's wording is to be welcomed in so far as it now recognises a formal right for harbour authorities to be <i>consulted</i> on those plans, that does not amount to a right of <i>approval</i>.</p> <p>However, if, as the ExA, now proposes, the Protective Provisions (PPs) are included for the benefit of LGPL, that will include a right to approve the CSIP (and LGPL submits should also include a right to approve the other 2 plans) prior to its (their) submission to the MMO [See LGPL's 'Comments on Documents Submitted at Deadline 6' also submitted at Deadline 7]. In such case, the point will be dealt with there. Where there has been such agreement to the plans, the consultation stage set</p>

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		you are not content, could you propose alternative wording?	<p>out in this condition can be satisfied by the parties merely confirming to the MMO that agreement.</p> <p>If the PPs are not included, then LGPL maintains it should have a right to approve the plans within this condition – the simplest way to achieve this in the drafting would be:</p> <p><i>“The licensed activities for each stage of construction of the authorised development must not commence until the following (insofar as relevant to that activity or stage of activity) has been submitted to and approved in writing by the MMO, in consultation with, where relevant, Trinity House, the MCA, UK Hydrographic Office, relevant SNCB and (in relation to the cable specification and installation plan, the navigation and installation plan and the sediment disposal management plan (under sub-paragraphs (h), (n) and (o)) only) the local harbour authorities—</i></p> <p>....</p> <p><i>(h) a cable specification and installation plan for the relevant stage, in accordance with the outline cable specification and installation plan <u>and agreed with the local harbour authorities</u>, to include—</i></p> <p>...</p> <p><i>(n) a navigation and installation plan for the relevant stage which accords with the principles set out in the outline</i></p>

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			<p><u>navigation and installation plan and which has been agreed with the local harbour authorities; and</u></p> <p><u>(o) a sediment disposal management plan for the relevant stage which accords with the principles set out in the outline sediment disposal management plan and which has been agreed with the local harbour authorities."</u></p> <p>LGPL notes that the MMO supports such a right of approval for the harbour authorities – see para 7.1 of REP6-083.</p>
Q9.2.3	HHA & LGPL	<p>Schedule 9 - Condition 23(4)</p> <p>With reference to the draft DCO [REP5-009], Schedule 9, condition 23(4) states: "(4) The licensed activities must be carried out in accordance with the approved plans, protocols, statements, schemes and details approved under condition 22, unless otherwise agreed in writing by the MMO (provided that the MMO has consulted with any party that it was required to consult with in relation to a relevant plan, protocol, statement, scheme or details pursuant to condition 22)</p> <p>Could HHA and LGPL confirm whether they are content with the Applicant's proposed changes in bold above? If you are not content, could you propose alternative wording?</p>	<p>LGPL would propose one drafting amendment:</p> <p><i>"(4) The licensed activities must be carried out in accordance with the approved plans, protocols, statements, schemes and details approved under condition 22, unless otherwise agreed in writing by the MMO (provided that <u>before giving any such agreement the MMO has consulted must consult with any party that it was required to consult with, or who would have given a prior approval, in relation to a relevant plan, protocol, statement, scheme or details pursuant to condition 22)</u>"</i></p> <p>LGPL does not consider it needs to approve all subsequent changes to the various plans or waivers which may be in relation to matters that have no impact on LGPL – LGPL would not wish to make the process unnecessarily burdensome on the Applicant. Provided LGPL is consulted on any change or waiver, LGPL has</p>

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			confidence that the MMO would not proceed to permit a waiver to a material matter in a plan previously agreed by LGPL contrary to LGPL's reasonable concerns. LGPL is therefore content with a right only to be consulted by the MMO on waivers at this stage of the process.
Q9.3.1	LGPL and others	<p>Protective Provisions</p> <p>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.</p>	<p>LGPL has not been able to agree a form of the PPs with the Applicant. The Applicant's representatives have explained that the Applicant's position remains that they continue to fundamentally disagree with the need for PPs for the Ports in the DCO, and for the need for the Ports to have a right of approval in respect of the plans. The Applicant has therefore declined to meet to discuss the form of the PPs. However, in light of the ExA's position in [PD-019], the Applicant has indicated that if LGPL has any comments on the drafting of the protective provisions previously included in the draft DCO [REP3-008] the Applicant will consider them, without prejudice to the Applicant's position.</p> <p>We have now set out in full LGPL's requested amendments to the Protective Provisions in the separate Deadline 7 submission – Comments on Documents Submitted at Deadline 6 and LGPL hopes the Applicant will consider those amendments accordingly and respond swiftly.</p>
Q15.0.4	Applicant	Contingency plans for crossing the port channels with the cable burial tool	No contingency plans have been agreed with LGPL. LGPL remains concerned regarding the lack of detail in the outline NIP [REP6-039] and, in particular, the lack of

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		With reference to the applicant's response [REP5-054] to Q7.04 (ii), the applicant states "the expected time for crossing the port channels with the cable burial tool will be of the order of 1.5-2 days." Further, the applicant's response [REP-054, Q16.06 part (ii)] provides information on if burial tools cannot achieve the required depth on their own. In the event that the expected time for crossing the port channels with the cable burial tool could take longer than 2 days, what contingency plans would need to be in place and have these been agreed with the Maritime and Coastguard Agency, the London Gateway Port Limited (LGPL), Port of London Authority (PLA) and Harwich Harbour Authority (HHA)?	<p>any principles in that document regarding minimising impacts on access to the London ports. LGPL cannot accept a period of 1.5 days (or possibly more) of blockage of either of the Sunk or Trinity DWRs. The Sunk and Trinity DWRs are not substitutes for each other – the Sunk DWR can accommodate vessels with a deeper draft than the Trinity DWR can. It should be noted too that there are a number of cables to be laid – LGPL understands that there will need to be 4 crossings.</p> <p>Please see further the separate Deadline 7 submission – Comments on Documents Submitted at Deadline 6 - London Gateway Port Limited.</p>
Q15.0.5	HHA, PLA, LGPL, MCA	<p>Crossing the port channels with the cable burial tool</p> <p>With reference to the applicant's response [REP5-054] to Q7.04 (ii), the applicant states: "<i>With regards to the PLA comments, it should be noted that there are two deep water routes (Sunk and Trinity) into the London ports. The Outline Navigation and Installation Plan (oNIP) [REP4-011/012] prevents concurrent working across both access routes by the relevant projects (i.e. North Falls, Five Estuaries and SeaLink), thereby always giving one access route into/ exit route from the ports. Further to this, the expected time for crossing the port channels with the cable burial tool will be of the order of 1.5-2 days. Therefore, the potential socio-economic impacts on the London ports have been minimised as one route would always be open. The access routes are being discussed</i></p>	<p>Please see the separate Deadline 7 submission – Comments on Documents Submitted at Deadline 6 - London Gateway Port Limited.</p>

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		<p><i>in ongoing meetings with the ports and the tables in the oNIP will be updated at Deadline 6."</i></p> <p>(i) Please advise if you agree with the Applicant's proposal to prevent concurrent working across both access routes by the relevant projects (i.e. North Falls, Five Estuaries and SeaLink), thereby always giving one access route into/ exit route from the ports? Further, the applicant's response [REP-054, Q16.06 part (ii)] provides information on if burial tools cannot achieve the required depth on their own.</p> <p>(ii) In the event that the expected time for crossing the port channels with the cable burial tool could take longer than 2 days, what contingency plans would need to be in place?</p>	
Q15.0.7	HHA, PLA, LGPL, MCA & MMO	<p>Outstanding concerns on plans relating to Shipping and Navigation</p> <p>Are there any outstanding concerns that have not been addressed by the Applicant in the following documents:</p> <ul style="list-style-type: none"> • Site Characterisation Report [REP4-014] • Supporting Information on Offshore Additional Mitigation [REP4-041] • Deep Water Route Cable Installation Areas [REP4-043] 	Please see the separate Deadline 7 submission – Comments on Documents Submitted at Deadline 6 - London Gateway Port Limited.

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		<ul style="list-style-type: none">• Outline Navigation and Installation Plan [REP5-028]• Outline Sediment Disposal Management Plan [REP5-042]• Cable Specification and Installation Plan [REP5-044]	

Addleshaw Goddard LLP
15 July 2025