

THE INFRASTRUCTURE PLANNING (EXAMINATIONS PROCEDURE) RULES 2010

NORTH FALLS OFFSHORE WIND FARM DEVELOPMENT CONSENT ORDER

PINS REFERENCE EN010119

**DEADLINE 7: PORT OF LONDON
AUTHORITY'S COMMENTS ON SUBMISSIONS
RECEIVED AT DEADLINE 6**

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 6 submissions.

1.2 Documents referred to in this submission are:

- Technical Note on the interaction of North Falls with the PLA onshore communication links (REP6-067);
- Deep Water Route Cable Installation Areas (Future Dredging Depths) Plan (REP6-055) and Offshore Order Limits and Boundary Co-ordinates Plan (REP6-004);
- Outline Sediment Disposal Plan (REP6-050) and Hydrodynamic and Dispersion Modelling Report (REP6-054);
- Outline Cable Specification and Installation Plan (REP6-052);
- Outline Navigation and Installation Plan (REP6-040);
- Applicant's Response to Deadline 5 Submissions (REP6-060) and Applicant's Comments on Responses to ExQ2 (REP6-061);
- Cumulative Effects Assessment Summary (REP6-048); and
- Draft Development Consent Order (REP6-006)

2 TECHNICAL NOTE ON THE INTERACTION OF NORTH FALLS WITH THE PLA ONSHORE COMMUNICATION LINKS (REP6-067)

2.1 The PLA welcomes the dialogue with the Applicant and technical note that was produced at deadline 6 [REP6-067] which demonstrates that there is no impact on the PLA's Holland Haven to Walton Pier radio link. The PLA considers this matter resolved and has no further comments on this matter.

3. DEEP WATER ROUTE CABLE INSTALLATION AREAS (FUTURE DREDGING DEPTHS) PLAN (REP6-055) OFFSHORE ORDER LIMITS AND BOUNDARY CO-ORDINATES PLAN (REP6-004)

3.1 Sheet 2B was included in the Offshore Order Limits and Boundary Co-ordinates Plan [REP6-004] at deadline 6. This provides co-ordinates for the Sunk (500m and 700m) and Trinity Deep Water Route Buffers and a new Sunk Pilot Diamond Buffer. The Deep Water Route Plan [REP6-055] has also been updated.

3.2 The PLA had recommended in its deadline 5 response [REP5-111] an extension to the deep water area at the top of the Trinity/Sunk diamond with the majority of it at -22m CD and the buffer to the south at -19m CD. Whilst the Applicant has presented the PLA's requirement in a different way (through the inclusion of a Sunk Pilotage Area – Sunk Pilot Diamond in addition to an extension of Sunk A and Sunk B) the effect is the same in terms of safeguarding water depths. The PLA welcomes the Applicant's engagement with the PLA on this matter.

3.3 The dDCO [REP6-006] has had consequential updates which the PLA welcomes see section 9 below.

3.4 As a consequence of the Applicant's different approach, however, there now appear to be slightly different commitments across the various certified documents and the dDCO. This has been discussed with the Applicant and is summarised in table 1 below. The PLA expects the commitments to apply to all areas (Sunk A and B, Trinity and the Sunk Pilotage Area). The

PLA understands that the Applicant will be making further updates to the outline cable specification and installation plan (“oCSIP”) at deadline 7 which should resolve the points highlighted below.

Table 1 – Overview of commitments within documents to be certified and DCO

Aspect	Applies to		
	Sunk DWR	Trinity DWR	Sunk Pilot Diamond Area
Boulder relocation (oCSIP)	Yes	Yes	No
Boulder relocation dDCO Requirement (2)(3) and DML Schedule 9 Part 2 new condition 10 sub para (5)	Yes	Yes	ExA wording for sub para (4) of Requirement 2 requires an update to reflect the Applicant's approach at deadline 6: Sunk Pilotage Area – Sunk Pilot Diamond Buffer Sunk A – Sunk DW Buffer Sunk B – Sunk DW Buffer Trinity – Trinity DW Buffer With updated wording (5) then applies to the Sunk Pilot Diamond
Archaeology relocation (oCSIP)	Yes	Yes	No
Archaeological relocation dDCO Requirement (2)(3) and DML Schedule 9 Part 2 new condition 10 sub para (5)	Yes	Yes	ExA wording for sub para (4) of Requirement 2 requires an update to reflect applicant's approach at deadline 6: Sunk Pilotage Area – Sunk Pilot Diamond Buffer Sunk A – Sunk DW Buffer Sunk B – Sunk DW Buffer Trinity – Trinity DW Buffer With updated wording (5) then applies to the Sunk Pilot Diamond
UXO relocation (oNIP)	No but intervention outside scope of DCO and requires marine licence and the protective provisions would deal with this element.		
Cable burial safeguarding required depths 19m/22m (oCSIP)	Yes	Yes	Yes
Cable burial safeguarding required depths 19m/22m dDCO Requirement (2)(3) and DML Schedule 9 Part 2	Yes	Yes	ExA wording for sub para (4) of Requirement 2 requires an update to reflect applicant's approach at deadline 6: Sunk Pilotage Area – Sunk Pilot Diamond Buffer

condition 10 sub para (4)			Sunk A – Sunk DW Buffer Sunk B – Sunk DW Buffer Trinity – Trinity DW Buffer
Disposal of sediment (oSDMP)	Yes	Yes	Yes
Wet storage (oCSIP)	Yes	Yes	No
Wet Storage dDCO Requirement (2)(3) and DML Schedule 9 Part 2 new condition 10 sub para (5)			ExA wording for sub para (4) of Requirement (2) requires an update to reflect applicant's approach at deadline 6: Sunk Pilotage Area – Sunk Pilot Diamond Buffer Sunk A – Sunk DW Buffer Sunk B – Sunk DW Buffer Trinity – Trinity DW Buffer With updated wording (5) then applies to the Sunk Pilot Diamond
Field joints (oCSIP)	Yes	Yes	No
Cable protection (oCSIP)	No	No	Reasonable endeavours only
Cable crossings (Five Estuaries, Neuconnect, Sealink)	Indicative locations only given by Applicant – PLA have requested firm commitment in the oCSIP based on the Applicant's response.		

3.5 The PLA and the Applicant have discussed further the issue of cable protection. As cable protection would, as a result of the ExA's schedule of proposed changes to the dDCO, be subject to Requirement (2)(3) due to the Requirement applying to any part of the authorised development located within the areas shown on the Deep Water Route Cable Installation Area (Future Dredging Depths) Plan, the PLA is satisfied that even if cable protection was placed within the DWR's or the Sunk Pilot Diamond Buffer it could not be placed at a level that would preclude or impede dredging to the relevant depths as set out in the Requirement.

3.6 The PLA and the Applicant have also discussed further the issue of cable crossings. Whilst the PLA maintain it would be clearer for all to have a sentence in the oCSIP addressing the point, Five Estuaries ("VE") and Sealink's red line boundaries do not overlap with North Falls at the deep water route or the pilot station buffer and as such the PLA will not make further comments on this point.

4. **OUTLINE SEDIMENT DISPOSAL MANAGEMENT PLAN (REP6-050) AND HYDRODYNAMIC AND DISPERSION MODELLING REPORT (REP6-054)**

4.1 The outline sediment disposal management plan ("oSDMP") [REP6-050] has been updated at deadline 6 in line with the updates to the Deep Water Route Plan [REP6-055]. There are minor typos in paras 19 and 21 in relation to the name of the buffers when compared with the description in the Deep Water Route Plan, highlighted in underline below:

"The locations for deeper burial are shown as the buffers from the "Sunk A – Sunk DW Buffers", "Sunk B – Sunk DW buffers", and "Trinity - Trinity DW buffers"

4.2 The PLA welcomes the update at paragraph 21 that disposal material will not be placed in areas where material could migrate into the deep water routes. At paragraph 23 an update is needed to make the reference to the Sunk Pilotage Area – Sunk Pilot Diamond Buffer (rather than the current reference to the Pilot Boarding Station buffers which was the terminology used on the REP4 version of the Deep Water Route plan).

4.3 The PLA is content that the various scenarios have been appropriately modelled and assessed within the Hydrodynamic and Dispersion Modelling Report [REP6-054]. With the amended Requirements and DML conditions, the size of the safeguarded areas provides sufficient protection to deal with any modelling/assessment uncertainty. Subject to the minor amendments outlined above, the PLA therefore has no further comments on the oSDMP and the Hydrodynamic and Dispersion Modelling Report.

5. OUTLINE CABLE SPECIFICATION AND INSTALLATION PLAN (REP6-052)

5.1 The PLA welcomes the updates to the oCSIP that now make it clear at paragraph 4 the scope of the oCSIP and CSIP and that this extends to maintenance. The PLA understands that an update will be made to paragraph 32 to commit to cables in Sunk B being designed, installed, operated and maintained at a gradient of no more than 1:5 from Sunk A. The commitment to providing as built documents of the export cables to the PLA and any updates is also welcomed (para 56).

5.2 A new paragraph has been inserted (paragraph 31) that commits to cables crossing the Trinity, Sunk A and Sunk B Deep Water routes being routed as far south within the red line boundary and as far away from the Sunk Pilot Diamond as is reasonably practicable. It also commits to the cable between the DWR's being routed as far south as possible within the red line boundary as is reasonably practicable. The PLA is supportive of this general approach to cable routing.

5.3 With the amendments that the PLA understands are being made to the oCSIP at deadline 7 and taking into consideration paragraphs 3.5 and 3.6 above, the PLA is hopeful that it can agree to the technical content of the oCSIP at deadline 8. This would then leave the legal matters outstanding in relation to approval of the document and the CSIP needing to be in strict accordance with the oCSIP.

6. OUTLINE NAVIGATION AND INSTALLATION PLAN (REP6-040)

6.1 The PLA and the Applicant have discussed further the content of the outline navigation and installation plan ("oNIP"). At deadline 7 the following points remain outstanding:

- Figure 2.1 The Trinity DWR full extent is not clear currently due to the overlap of the Pilotage Area circles. Figure 2.1 should be updated to show the extent of each area, perhaps in line with the DWR Cable Installation Area (Future Dredging Depths) Plan, to clearly show the areas where concurrent activity is not permitted. A hatching of any overlapping areas would make it clear as to the extent of the areas that cannot be worked concurrently for this and other projects working in the area.
- It should be clarified that no freespan clearance will be carried out, or if there is the possibility of the activity then it should be included in this document under Section 3.
- 2.3.2 paragraph 15 – The projects referred to are VEOWF and Sea Link. There are other projects which may take place in the area and depending on timelines may lead to concurrent activities. For future proofing of this document it would be prudent to include a general reference to any other projects which would be taking place in the area rather than a limited list of projects.

6.2 The PLA is confident that bullet point 1 will be resolved at deadline 7 and is working with the Applicant to try to resolve bullet points 2 and 3.

7 APPLICANT'S RESPONSE TO DEADLINE 5 SUBMISSIONS (REP6-060) AND APPLICANT'S RESPONSE COMMENTS ON RESPONSES TO EXA'S SECOND WRITTEN QUESTIONS (REP5-070)

- 7.1 For brevity, the PLA has not sought to respond to each point in turn as most of the points made by the Applicant are either responded to in the PLA's Response to ExAQ3 or are addressed to the PLA's satisfaction through the ExA's inclusion of protective provisions for the PLA or through the ExA's wider schedule of changes to the dDCO. Any outstanding matters are either highlighted in this response or in the PLA's response to ExQ3.

8 CUMULATIVE EFFECTS ASSESSMENT SUMMARY (REP6-048)

- 8.1 The Cumulative Effects Assessment Summary [REP6-048] was updated at deadline 6 to clarify the most recent status of other projects and to clarify the way the distance of North Falls to other projects is presented. As a result of these updates, which include (i) an update to the status of Sea Link (ii) various updates to the distances of various projects to the North Falls array area and offshore cable corridor and (iii) inclusion of reference to the Port of London Authority in table 1.28 (potential cumulative impacts identified for socio-economics) the PLA has no further comments on this document.

9 DRAFT DEVELOPMENT CONSENT ORDER (REP6-006)

- 9.1 The changes made by the Applicant to the dDCO [REP6-006] and which are relevant to the PLA include:

- (a) the change to Requirement 2(3) so this now reads as set out below. The PLA support the changes, although as noted above this does mean that there now appear to be slightly different commitments across the various certified documents and the dDCO.

(3) Any part of Work No. 3 and any associated development located within the following areas shown on the Deep Water Route Cable Installation Area (Future Dredging Depths) Plan, must be designed, installed, operated and maintained at a level which would not preclude or impede dredging:

- (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 of~~ the area shown ~~cross-hatched purple~~ shaded in green and labelled Sunk B – Sunk DW Buffer, to a level of 19 metres below Chart Datum; ~~and~~
- (d) of the area shown shaded in blue and labelled Sunk Pilotage Area – Sunk Pilot Diamond Buffer, to a level of 22 metres below Chart Datum.

- (b) The following changes to the Deemed Marine Licence at Schedule 9 of the dDCO

- (i) **condition 13(1)(3)** has been updated as follows:

(3) In undertaking activities under paragraphs (2)(a), (2)(d), (2)(e) and (2)(f), other than in areas shown shaded orange, pink ~~or hatched purple~~, green or blue on the Deep Water Route Cable Installation Area (Future Dredging Depths) Plan where navigable depth may not be reduced to any extent, the undertaker must not reduce water depth by more than 5% Chart Datum unless agreed with the MMO and the MCA in writing.

The PLA welcomes the change to add paragraph 2(d) and can confirm that the colour reference updates are correct.

- (ii) **condition 16(15)** has been added and reads:

(15) In a case of any exposure of cables in the areas shown shaded orange, pink, green or blue on the Deep Water Route Cable Installation Area (Future Dredging Depths) Plan, the undertaker must send copies of the notices required by paragraphs (12), (13) and (14) to the local harbour authorities within five days of such notices.

The PLA welcomes this addition.

(iii) **condition 22(h)(ii)** has been amended to read:

- (ii) a detailed cable laying plan for the Order limits within that stage, incorporating a burial risk assessment encompassing the identification of any cable protection that exceeds 5% of navigable depth referenced to Chart Datum (excluding the areas shown shaded orange, pink ~~or hatched purple~~, green or blue on the Deep Water Route Cable Installation Area (Future Dredging Depths) Plan where navigable depth may not be reduced) and, in the event that any area of cable protection exceeding 5% of navigable depth is identified (in areas other than those shown shaded orange, pink ~~or hatched purple~~, green or blue on the Deep Water Route Cable Installation Area (Future Dredging Depths) Plan), details of any steps (to be determined following consultation with the MCA and Trinity House) to be taken to ensure existing and future safe navigation is not compromised or similar such assessment to ascertain suitable burial depths and cable laying techniques, including cable protection;

Again the PLA can confirm that the colour updates are correct.

- 9.2 Since the publication of dDCO [REP6-006] the ExA has published its "Schedule of Changes to the draft Development Consent Order" [PD-019]. The PLA welcomes the suggested changes which respond to the changes the PLA has been seeking, subject to the comments below and the colour changes referred to above being adopted.
- 9.3 On the Schedule of Changes to the draft Development Consent Order [PD-019] that relate to the Deemed Marine Licence at Schedule 9 of the dDCO the PLA did request in its mark-up of the DML at deadline 6 [REP6-090] insertion of reference to the PLA as a consultee as highlighted in yellow in the below. These additions have not been carried forward into the suggested changes in [PD-019]. The PLA would ask that the dDCO is updated to include these additions, as the PLA should be involved in all pre and post construction monitoring, as well as construction monitoring.

"26

- (3) *The pre-construction survey(s) carried out pursuant to paragraphs (2)(a) and (2)(b) must fulfil the requirements of MGN654 and its supporting 'Hydrographic Guidelines for Offshore Renewable Energy Developer' (as relevant).*
- (4) *The undertaker must carry out the surveys specified within the approved monitoring plan or plans in accordance with that plan or plans, unless otherwise agreed in writing by the MMO in consultation with the relevant SNCB **and the PLA.***
- (5) *Following completion of a survey carried out pursuant to this condition and prior to construction of the relevant stage, the undertaker must provide a report and full density data of the survey outcomes to the MMO, the relevant SNCB, the MCA, **the PLA** and UK Hydrographic Office as relevant.*

Construction monitoring

27

- (1) *The undertaker must, in discharging condition 22(1)(f) in respect of construction monitoring, submit a construction monitoring plan or plans for that stage in accordance with the outline offshore in-principle monitoring plan for written approval by the MMO in consultation with the relevant SNCB and the PLA, which must include details of any proposed construction monitoring, including methodologies and timings, and a proposed format, content and timings for providing reports on the results. The survey proposals must be in accordance with the principles set out in the outline offshore in-principle monitoring plan and must specify the objectives for each survey and explain how the survey will assist in either informing a useful and valid comparison with the pre-construction position and/or will enable the validation or otherwise of key predictions in the environmental statement.*
- (2) *If the plan or plans submitted to the MMO under this condition contain survey proposals, the construction monitoring plan must include, in outline—*
 - (a) *vessel traffic monitoring by automatic identification system for the duration of the construction period, with provision for a report to be submitted to the MMO, Trinity House, and the MCA annually during the construction period for the authorised development; and*
 - (b) *where piled foundations are to be employed, unless otherwise agreed by the MMO in writing, details of proposed monitoring of the noise generated by the installation of the first four piled foundations of each piled foundation type to be constructed collectively under this licence and the deemed marine licences granted under Schedules 8 and 10 of the Order.*
- (3) *If, in the reasonable opinion of the MMO in consultation with the SNCB and the PLA the monitoring carried out pursuant to condition 27(2)(b) above shows impacts significantly in excess to those assessed in the environmental statement and there has been a failure of the mitigations set out in the marine mammal mitigation protocol, all piling activity must cease until either contingency measures approved within the marine management mitigation protocol have been implemented or an update to the marine mammal mitigation protocol and further monitoring requirements have been agreed.*
- (4) *The undertaker must carry out the surveys specified within the approved construction monitoring plan or plans in accordance with that plan or plans, unless otherwise agreed in writing by the MMO in consultation with the relevant SNCB and the PLA."*

- 9.4 The ExA changes to Requirement 2(3) need to pick up the colour changes put forward by the Applicant in the dDCO [REP6-006] as does the colour references in the DML as referenced above.
- 9.5 The ExA in ExAQ3 question 9.3.3 (i) asks the PLA to compare Appendix 1 (the PLA's preferred form of protective provisions) in REP5-112 with Appendix 2 (Protective Provisions included by VEOWF Ltd in the dDCO) in REP5-112 and provide a justification for the differences to include the insertion of the Indemnity clause. The outcome of the PLA's review of the two sets of protective provisions, the changes which the PLA would wish to see made and the justification for the changes is set out in the Appendix to the PLA's Response to ExAQ3.
- 9.6 The PLA's response to ExAQ3 also deals with the points raised previously on the definition of maintain and commence.