

**THE INFRASTRUCTURE PLANNING (EXAMINATIONS PROCEDURE) RULES 2010**

**NORTH FALLS OFFSHORE WIND FARM DEVELOPMENT CONSENT ORDER**

**PINS REFERENCE EN010119**

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**DEADLINE 8:**

**CLOSING SUBMISSIONS**

**LONDON GATEWAY PORT LIMITED**

**(IP REF: 20050576)**

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## 1 INTRODUCTION

- 1.1 This document sets out the closing submissions of London Gateway Port Limited (LGPL) at Deadline 8. It also provides comments on some documents submitted at Deadline 7.
- 1.2 There remain 2 principal areas outstanding where there has not been agreement between the Applicant and LGPL:
- (a) the need for LGPL (in common with the other local harbour authorities) to have a right of approval of the final forms of the Cable Specification and Installation Plan (CSIP), the Sediment Disposal and Management Plan (SDMP) and the Navigation and Installation Plan (NIP) – we refer to these plans collectively as ‘the Relevant Plans’; and
  - (b) the need for Protective Provisions for the benefit of LGPL.
- 1.3 In respect of the content of the outline forms of Relevant Plans, LGPL has made some minor drafting comments in respect of the outline CSIP and outline SDMP at Deadline 7 [REP7-079] but is otherwise content with their provisions recognising their outline nature at this stage – but to note this is in the context of LGPL requiring a right of approval of the final forms of those plans.
- 1.4 LGPL has material concerns regarding the outline NIP which presently lacks content as set out in REP7-079. Since Deadline 7 LGPL has met with representatives of the Applicant to explain those concerns further. However, as at this Deadline 8, LGPL has not seen any revised version and as such the concerns of LGPL remain in relation to the oNIP and the ramifications of that in terms of the certainty of the assessment of any impacts as set out in [REP7-079].
- 1.5 LGPL’s position on the dDCO were set out in [REP7-079] – its concerns focus on the need for a right of approval for the relevant plans and the Protective Provisions.

## 2 APPROVAL OF THE RELEVANT PLANS

- 2.1 LGPL has set out its position on the need for it to have a right of approval of the Relevant Plans on a number of occasions throughout the Examination – originally in the dDCO LGPL was to have a right of approval of the CSIP via the Protective Provisions (see [REP3-008]) and when the Applicant announced that the Protective Provisions were to be removed, LGPL was clear that the right of approval of all the Relevant Plans remained necessary (see for example [REP4-077]). The Applicant does not agree that the local harbour authorities should a right of approval of the Relevant Plans – its view is that the right to be consulted it sufficient.
- 2.2 Most recently the LGPL position on why and how this should be done was set out in LGPL’s Response to ExQ3 [REP7-077] – the right of approval should either be provided for in Protective Provisions for the benefit of LGPL or in Condition 22 of the Deemed Marine Licence (DML) at Schedule 9 to the dDCO. Nothing submitted by the Applicant at Deadline 7 changes the position of LGPL as set out in REP7-077.
- 2.3 The Applicant has submitted at Deadline 7 ‘Further Information on Socio-Economic Impacts on Vessels to from Tidal Thames’ [REP7-055] – we comment further on that document below, but it also underlines the importance of the Relevant Plans in managing impacts on the London ports – the conclusions in that document that the effect on the Port of London ports are not significant are essentially based on the Requirement now included in the dDCO and on the existence of, and content of, the Relevant Plans (see paras. 15 to 18 in relation to construction phase impacts and paras. 19 to 20 in relation to operational impacts). LGPL has already set out its concerns about the lack of substantive content in the oNIP [REP7-079] – in LGPL’s view

the need for the local harbour authorities to be able to ensure the adequateness of the Relevant Plans is reinforced by this reliance by the Applicant on the Relevant Plans to avoid significant effects.

- 2.4 The MMO supports the request of the local harbour authorities to have a right of approval of the Relevant Plans before they are submitted to the MMO pursuant to the (DML) under Part 2 of Schedule 9 to the dDCO **[REP6-082]**. This reflects that, in reality, it is the harbour authorities that will have the knowledge of the effects of the Applicant's proposed operations on navigation to the ports – it is administratively simpler, quicker and more robust for the MMO to be presented with a position that the harbour authorities have agreed – the MMO can place great weight on that fact and concentrate its efforts on considering other matters under the DML conditions.

### **3 PROTECTIVE PROVISIONS**

- 3.1 The Applicant's position remains that there should be no PPs for LGPL's benefit in the Order. The Applicant does not deal with LGPL or LGPL's concerns separately, but simply relies on the points it makes in relation to the PLA's request for PPs to dismiss the ExA's proposal to reinsert the PPs for the benefit of LGPL **[REP7-056]**.
- 3.2 LGPL is of the view that PPs for the benefit of LGPL remain necessary for the reasons set out in **[REP5-096]**. LGPL's closing position on the question of PPs remains as set out in **[REP7-079]**.
- 3.3 At Deadline 7 the Applicant submitted 'Without Prejudice Ports Protective Provisions' **[REP7-059]**. That document was not disclosed to or discussed with LGPL ahead of Deadline 7. The Applicant has not agreed to have any discussion of the PPs with LGPL. The draft of the PPs provided by the Applicant raise a number of concerns:
- (a) the provisions set out as paragraph 175 on consultation are pointless as they add little to what is already set out in the DML at Schedule 9 to the dDCO;
  - (b) reference is made to 'specified work' but that is not defined – presumably that is intended to relate to a work under the Order that would be of interest / concern to LGPL in some way – presumably because it is in the Area of Interest?;
  - (c) most concerningly then, paragraph 175(3) and 175(5) introduce the concept of a specified work that might not be covered by the provisions of any of the CSIP, NIP or SDMP! Such a specified work would however be within the Area of Interest. It is our understanding that all works within the DWRs would be caught by the Relevant Plans – if this is not the case, LGPL seeks urgent clarification.
- 3.4 For the avoidance of doubt, the form of the PPs submitted by the Applicant is not agreed by LGPL – LGPL requires PPs in the form set out in **REP7-079**.
- 3.5 The Applicant has added in its form of the PPs provisions regarding notification of the transfer of benefit of the Order and the provision of as built details – these provisions appear to have been copied across from the PPs derived for the benefit of the PLA. LGPL is content for such provisions to be added to the form of PPs set out in **REP7-079**.

### **4 FURTHER INFORMATION ON SOCIO-ECONOMIC IMPACTS ON VESSELS TO FROM TIDAL THAMES [REP7-055]**

- 4.1 At Deadline 7 in **REP7-055**, we noted that there have been no amendments to the Accordance Table in relation to paragraphs 2.3.326 to 2.8.340 of the National Policy Statement and referred

to the submission on LGPL's behalf in relation to those paragraphs at ISH2 (9 April 2025) [REP4-077].

- 4.2 The Applicant's submission at Deadline 7 'Further Information on Socio-Economic Impacts on Vessels to from Tidal Thames' [REP7-055] essentially confirms LGPL's position. It is notable that much of what the Applicant now relies upon to conclude that there are no significant effects on the ports are mitigations that were not originally part of the Applicant's application, and which have only been introduced as a result of the submissions made through the Examination by the ports, namely<sup>1</sup>:
- (a) the requirement (Requirement 2(3)) to ensure that the cables are buried at a sufficient depth; and
  - (b) the removal of the Applicant's ability to reduce water depth by 5% in the DWRs.
- 4.3 Even now, the Applicant's submission REP7-055 makes no reference to London Gateway Port Limited as a statutory harbour authority. In each case in REP7-055 reference is made to the significance of impacts on the PLA - is this intended also to cover LGPL?
- 4.4 Curiously, paragraph 13 states that the "PLA (and associated berths, terminals and jetties within the tidal Thames) [perhaps London Gateway Port is considered by the Applicant to be a 'terminal' 'associated' with the PLA] was not specifically detailed within Chapter 31 of the ES given that impacts identified within Chapter 15 were ALARP (not significant) and that wider socio-economic effects were also not significant with mitigations in place." That is an odd position to adopt and inconsistent with the consideration of the Harwich ports – any impact on the Harwich ports was also assessed as ALARP (see para 15.6.1.6.3 of Chapter 15 [APP-29] yet they did merit a consideration in Chapter 31. The reality appears to be that neither Chapter 15 nor Chapter 31 adequately considered the London ports in the way the Harwich ports were considered.
- 4.5 As previously set out in REP7-055, LGPL believes that the Applicant's conclusions regarding assessment and NPS compliance can only be robust with: (i) the inclusion of the PPs (with the right of approval of the Relevant Plans); and (ii) the improvement of the outline NIP as sought.

**23 July 2025**

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<sup>1</sup> We consider further above the reliance on the Relevant Plans and the meaning of that in terms of a right of approval.