



NORTH FALLS

*Offshore Wind Farm*

## Statement of Common Ground

London Gateway Port Limited (Tracked)

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## Glossary of Acronyms

ALARP	As Low As Reasonably Practicable
DCO	Development Consent Order
dML	deemed Marine Licence
DWR	Deep Water Route
NFOW	North Falls Offshore Wind Farm Limited
NIP	Navigation and Installation Plan
NRA	Navigational Risk Assessment
SoCG	Statement of Common Ground

## Glossary of Terminology

Navigational Risk Assessment (NRA)	A document which assesses the hazards to shipping and navigation of a proposed Offshore Renewable Energy Installation (OREI) based upon the FSA.
Offshore cable corridor	The corridor of seabed from array area to the landfall within which the offshore export cables will be located.
Offshore export cables	The cables which bring electricity from the offshore substation platform(s) to the landfall, as well as auxiliary cables.
The Applicant	North Falls Offshore Wind Farm Limited (NFOW).
The Project or 'North Falls'	North Falls Offshore Wind Farm, including all onshore and offshore infrastructure.

# 1. Introduction

## 1.1 Background

1. This Statement of Common Ground (SoCG) has been prepared by North Falls Offshore Wind Farm Limited (NFOW) (the Applicant) and London Gateway Port Limited. It identifies areas of North Falls Offshore Wind Farm (hereafter 'the Project' or 'North Falls') where matters are agreed, not agreed or that remain under discussion between the parties.
2. The Applicant has had regard to the Planning Inspectorate (2024) guidance regarding Statements of Common/Uncommon Ground for Hearings and Inquiries when compiling the SoCG.
3. This SoCG has been structured to reflect topics of the application which are of interest to London Gateway Port Limited.
4. ~~Table 1.1~~~~Table 1.4~~ presents the topics included in the SoCG with the Applicant and London Gateway Port Limited.

**Table 1.1 Topics and Relevant Documents included in the SoCG**

Topic/Chapter	DCO Document Reference
Environmental Statement (ES) Chapter 15 Shipping and Navigation	APP-029
ES Chapter 15 Shipping and Navigation Figures	APP-060
ES Appendix 15.1 Navigation Risk Assessment Parts 1 - 3	APP-106; APP-107; APP-108
Draft Development Consent Order (DCO)	<del>AS-022</del> <del>[REP7-007]</del>

5. Topic specific matters agreed, not agreed, and matters that remain under discussion between the Applicant and London Gateway Port Limited are included within this SoCG. Matters that are not yet agreed will be the subject of ongoing discussion between the Applicant and London Gateway Port Limited to reach agreement on each matter whatever possible or refine the extent of disagreement between parties.

## 1.2 Consultation with London Gateway Port Limited

6. The Applicant has engaged with London Gateway Port Limited on the project during the pre-Application process and during Examination, through the meetings detailed in ~~Table 1.2~~~~Table 1.2~~. These are detailed throughout the SoCG, Consultation Report (Document reference: APP-215) and minutes of the meetings.

**Table 1.2 Summary of Consultation with London Gateway Port Limited regarding Shipping and Navigation**

Date	Contact Type	Topic
Pre-Application		
4 <sup>th</sup> October 2023	Meeting	Meeting to discuss Project updates.
12 <sup>th</sup> October 2023	Hazard workshop	Meeting to review the Navigation Risk Assessment (NRA).
12 <sup>th</sup> May 2025	Meeting	Post D4 catch up

### 1.3 Summary of Agreed, Not Agreed and In Discussion

- In order to easily identify whether a matter is 'agreed', 'not agreed', or 'in discussion' the position status colour coding system set out in Table 1.3 is used in the SoCG.
- Details of specific topics that are 'agreed', 'not agreed', or 'in discussion' between the Applicant and London Gateway Port Limited are presented in [Table 2.1](#)~~Table 2.4~~.

**Table 1.3 Position status key**

Position Status	Position Colour Coding
<b>Agreed.</b> The matter is considered to be agreed between the parties.	<b>Agreed</b>
<b>Not Agreed- no material impact</b> The matter is not yet agreed between the parties however the outcome of the approach taken by either the Applicant and London Gateway Port Limited is not considered to result in a material impact to the assessment conclusions and the matter is considered to be closed for the purposes of this SoCG. Discussion on these matters have concluded.	<b>Not Agreed- no material impact</b>
<b>Not Agreed- material impact</b> The matter is not agreed between the parties and the outcome of the approach taken by either the Applicant and London Gateway Port Limited is considered to result in a materially different impact to the assessment conclusions. Discussions on these matters have concluded.	<b>Not Agreed- material impact</b>
<b>In discussion</b> The matter is neither 'agreed' nor 'not agreed' and is a matter where further discussion is required between the parties (e.g. where the documents are yet to be shared with London Gateway Port Limited.	<b>In discussion</b>

## 2. Statement of Common Ground

9. A summary of the consultation undertaken to date with London Gateway Port Limited and the matters agreed or not agreed between the Applicant and London Gateway Port Limited (based on discussions and information exchanged between the Applicant and London Gateway Port Limited during the pre-application phase of the Application) are set out below for each of the SoCG topic areas.



## 2.1 Shipping and Navigation

**Table 2.1 Topics agreed, in discussion or not agreed in relation to Shipping and Navigation**

ID	The Applicant Position	London Gateway Port Limited Position	Position Summary
1	<p><b>NRA</b></p> <p>The NRA (<del>APP-106, 107, and 108</del>) and the Shipping and Navigation Chapter (<del>APP-029</del>) adequately identify, address and mitigate impacts of relevance to London Gateway. <u>This includes via commitments to cable burial and the outline Navigation and Installation Plan.</u></p> <p><u>As per Section 14.2.3 of [APP-107] the NRA has considered and assessed a 20m draught vessel as a realistic worst case.</u></p>	<p>The NRA itself does not include an assessment of the effects of different possible dredge depths that might result from different cable burial depths. It refers (Chapter 19) to embedded mitigation in the Cable Burial Risk Assessment which it says is to form part of the CSIP which will be secured by a condition to the DML. No cable burial risk assessment has yet been provided.</p> <p>Both the Shipping and Navigation Chapter 15 [APP-029] and the NRA rightly identifies that a 20m vessel draught was a reasonable assumption in terms of increased vessel size over the lifetime of the Project. However, there is no confirmation in Chapter 15 or NRA whether or not that was the design parameter assessed.</p> <p>LGPL cannot therefore comment at this stage on whether the NRA and ES adequately identify, <del>address and mitigate</del> impacts of relevance to London Gateway in relation to cable burial and dredge depths.</p> <p><u>Although not referenced in the NRA or Shipping and Navigation Chapter, the subsequent inclusion of Requirement 2(3) in the dDCO serves as principal mitigation of impacts of</u></p>	In Discussion

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ID	The Applicant Position	London Gateway Port Limited Position	Position Summary
		<p>relevance to London Gateway Port, but further mitigation in terms of approval of the NIP and other plans are required. Presently there is insufficient content in the oNIP to agree that it provides sufficient mitigation.</p> <p><del>LGPL also notes that Chapter 15 of the ES relies on Chapter 31 – Socio-Economics in relation to the NPS assessment requirements (Table 15.4). Chapter 31 under the heading of 'Economic value associated with local ports' makes no assessment of any economic impacts on the London ports, in particular, it does not assess London Gateway Port. As such, LGPL cannot agree that the ES adequately identifies, addresses and mitigates impacts of relevance to London Gateway in that respect.</del></p>	
<u>2</u>	<p><b>Socioeconomics</b></p> <p>The Applicant's position on socioeconomic impacts is as per <b>[REP7-055]</b>.</p>	<p>LGPL also notes that Chapter 15 of the ES relies on Chapter 31 – Socio Economics in relation to the NPS assessment requirements (Table 15.4). Chapter 31 under the heading of 'Economic value associated with local ports' makes no assessment of any economic impacts on the London ports, in particular, it does not assess London Gateway Port. As such, LGPL cannot agree that the ES adequately identifies, addresses and mitigates impacts of relevance to London Gateway in that respect. LGPL has considered REP7-055 and has made its response at Deadline 8.</p>	Not agreed
<u>23</u>	<b>Future Scenario</b>	Both the Shipping and Navigation Chapter 15 [APP-029] and the NRA rightly identifies that a	In Discussion

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ID	The Applicant Position	London Gateway Port Limited Position	Position Summary
	<p>The NRA (<del>APP</del>-APP-106, APP-107, and APP-108) and ES Chapter (APP-029) have adequately identified and assessed a worst-case future scenario, and through mitigations associated with cable installation, cable burial, and cable protection has ensured all impacts are As Low As Reasonably Practicable (ALARP).</p> <p><u>As per Section 14.2.3 of [APP-107] the NRA has considered and assessed a 20m draught vessel as a realistic worst case.</u></p>	<p>20m vessel draught was a reasonable assumption in terms of increased vessel size over the lifetime of the Project. However, there is no confirmation in Chapter 15 or NRA whether or not that was the design parameter assessed. LGPL cannot therefore comment on whether or not the NRA and ES Chapter 15 have adequately identified and assessed a worst-case future scenario. (Also to note the NRA refers to both a realistic future worst case and a maximum future worst case – we assume here we are discussed the realistic future worst case scenario.)</p> <p>If <del>the</del> Requirement <del>referred to below (as amended</del>2(3)) and Protective Provisions / adequate provision in the DML (for the <del>agreement</del>approval by LGPL of all necessary plans (such as CSIP)) are all included in the dDCO, LGPL is of the view that the Applicant will have ensured that all impacts are ALARP.</p>	
34	<p><b>Cable Burial Depth</b></p> <p><del>The Applicant recognises the importance of maintaining vessel access to key local ports including London Gateway via the DW routes in the area, together with appropriate cable burial and consideration of the potential for increases in vessel draught in the future. Technical discussions are currently ongoing internally to understand what is technically achievable in terms of burial depth over and in proximity to the DW routes, noting the ports</del></p>	<p>LGPL's position is that it is fundamental that there is a Requirement that the water depths of 22m must be maintained by the Applicant within the areas of the deep water routes (The Sunk and Trinity).</p> <p>LGPL welcomes the <del>recent inclusion by the Applicant in the version of the dDCO submitted at Deadline 4 [REP4-004] of a Requirement on this point (at Requirement 2(3) of Part 3 to Schedule 1).</del> LGPL has certain drafting</p>	<p><del>Agreed</del>In Discussion</p>

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ID	The Applicant Position	London Gateway Port Limited Position	Position Summary
	<p><del>position that burial should be such that a dredged channel depth of 22m is achievable in the future. An offshore seabed site investigation is currently out to tender, with the results feeding additional technical assessments. The Applicant has therefore committed to areas of deeper burial secured through the DCO. In summary:</del></p> <p><del>The Applicant has submitted an outline Cable Specification and Installation Plan (oCSIP) at Deadline 4 [REP4-039] which sets out the Applicant's proposals on cable burial depth over the DW routes to ensure they could be dredged to 22m in the future. These areas of deeper burial are secured in the dDCO under Schedule 1, Part 3, Requirement 2(3).</del></p> <ul style="list-style-type: none"> <li><del>- The cables will not preclude dredging to 22m in the Sunk A, Trinity, and Sunk Pilotage Area zones shown in [REP6-055]</del></li> <li><del>- The cables will not preclude dredging to 19m in the Sunk B zone shown in [REP6-055].</del></li> </ul>	<p><del>changes that it would wish to see to that Requirement and has provided these to the Applicant. LGPL considers that with these drafting changes, the inclusion in the dDCO of Requirement 2(3) . LGPL is content with the drafting of Requirement 2(3) in [REP7-007].</del></p> <p><del>The inclusion of the Requirement will adequately address concerns regarding cable burial depth (although concerns regarding methodology, which need to be dealt with by agreement of the necessary plans remain).</del></p> <p><del>To confirm, it is LGPL's position that provision in relation to dredge depth in the deep water routes in the oCSIP alone would be insufficient without the Requirement.</del></p>	
45	<p><b><u>NIP oNIP Content</u></b></p> <p>The outline NIP (<del>latest version</del>77.24, Rev 3, submitted at Deadline 6) is considered an appropriate mechanism for managing relevant shipping and navigation impacts associated with cable installation, and operation and maintenance in the area of interest (as defined in the NIP) including the potential for concurrent working. Project compliance with the NIP is secured within the DCO (deemed Marine Licence (dML)).</p>	<p><u>LGPL does not consider the content of the oNIP [REP6-040] to be sufficient. LGPL's position on the oNIP is set out in REP7-079.</u></p>	In Discussion

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ID	The Applicant Position	London Gateway Port Limited Position	Position Summary
	<u>LGPL's comments on the oNIP at deadline 7 have been incorporated in the oNIP for submission at deadline 8. The concurrent working arrangement has been brought out, and the requirements in terms of communication have also been included within the oNIP.</u>		
<u>6</u>	<b><u>NIP Approval</u></b> <u>The Applicant position is that the MMO as the regulator of marine activities should approve the NIP as it is a part of the control mechanisms ensuring the works carried out are within the scope of the licensed marine activities. It is appropriate for local harbour authorities to be consultees on the NIP which is secured in [REP7-007] under Schedule 9, Part 2, 22(1).</u>	<u>Given the importance attached to the NIP by the Applicant in mitigating the effects on Shipping and Navigation and the fact that it is only the local harbour authorities that will have the real expertise on this point, LGPL considers that it must approve the final NIP ahead of submission to the MMO. The MMO supports this position. See further LGPL's submission at Deadline 8.</u>	<u>Not Agreed</u>
<u>7</u>	<b><u>oCSIP Content</u></b> <u>The content of the oCSIP [REP7-039] manages permanent impacts on ports including LPGA through commitments including sufficient cable burial. The comments in the oCSIP are incorporated into the deadline 8 version of the oCSIP.</u>	<u>LGPL is largely content with the content of the oCSIP – its position is set out in REP7-079. This is on the basis that LGPL will also approve the final form.</u>	<u>In discussion</u>
<u>8</u>	<b><u>CSIP Approval</u></b> <u>The Applicant position is that the MMO as the regulator of marine activities should approve the CSIP as it is a part of the control mechanisms ensuring the works carried out are within the scope of the licensed marine activities. It is appropriate for local harbour authorities to be consultees on the NIP which is secured in [REP7-007] under Schedule 9, Part 2, 22(1).</u>	<u>Given the importance attached to the CSIP by the Applicant in mitigating the effects on Shipping and Navigation and the fact that it is only the local harbour authorities that will have the real expertise on this point, LGPL considers that it must approve the final CSIP ahead of submission to the MMO. The MMO supports this position. See further LGPL's submission at Deadline 8.</u>	<u>Not Agreed</u>
<u>9</u>	<b><u>oSDMP</u></b> <u>The Applicant has committed in the oSDMP [REP6-050] to not disposing of disposal material within the</u>	<u>LGPL is largely content with the content of the oSDMP – its position is set out in REP7-079.</u>	<u>In Discussion</u>

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ID	The Applicant Position	London Gateway Port Limited Position	Position Summary
	<p><u>"Sunk A – Sunk DW Buffer", "Sunk B – Sunk DW buffer", "Trinity - Trinity DW buffer" and "Sunk Pilotage Area – Sunk Pilot Diamond Buffer" as shown in the Deep Water Route Cable Installation Areas (Future Dredging Depths) Plan [REP6-055] as submitted at Deadline 6. The Applicant has also committed in the oSDMP [REP6-050] to not disposing of disposal material where it could migrate into the "Sunk A – Sunk DW Buffer", "Sunk B – Sunk DW buffer", "Trinity - Trinity DW buffer" and "Sunk Pilotage Area – Sunk Pilot Diamond Buffer". The Applicant believes that the comments made by LGPL at Deadline 7 are covered by Condition 22(1)(h)(ii) which prevents a reduction in navigable depth.</u></p>	<p><u>This is on the basis that LGPL will also approve the final form.</u></p>	
10	<p><b>SDMP Approval</b>  <u>The Applicant position is that the MMO as the regulator of marine activities should approve the NIP as it is a part of control mechanisms ensuring the works carried out are within the scope of the licensed marine activities. It is appropriate for LGPL to be consulted on the NIP, which is secured in the dDCO [REP7-007] under Schedule 9, Part 2, 22(1).</u></p>	<p><u>Given the importance attached to the SDMP by the Applicant in mitigating the effects on Shipping and Navigation and the fact that it is only the local harbour authorities that will have the real expertise on this point, LGPL considers that it must approve the final SDMP ahead of submission to the MMO. The MMO supports this position. See further LGPL's submission at Deadline 8</u></p>	Not Agreed
511	<p><b>Protective Provisions</b>  As outlined in the Applicant's Response to the Ports' Request for Protective Provisions submitted at Deadline 4 [REP4-044], the Applicant does not consider that Protective Provisions are necessary. <u>The Applicant's position remains fundamentally unchanged, whilst noting that at Deadline 7 the Applicant incorporated further protections in the dDCO/DML in the interest of LGPL, resulting in the controls now including:</u></p>	<p><u>LGPL notes the Applicant's recent change of LGPL's position regarding the Protective Provisions. LGPL maintains on the PPs remains that they are necessary. LGPL does not agree the revised form of the PPs in REP7-059 – there was no discussion of that form of PPs between LGPL and appropriate for the reasons the Applicant. LGPL's position is as set</u></p>	In Discussion Not Agreed

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ID	The Applicant Position	London Gateway Port Limited Position	Position Summary
	<ul style="list-style-type: none"> <li>- <u>LGPL must be consulted with by the MMO under Condition 22(1), and 23(4) of Schedule 9 in respect of the mitigation plans;</u></li> <li>- <u>LGPL must be consulted by the MMO in respect of the operations and maintenance plan, under Condition 13(4) of Schedule 9;</u></li> <li>- <u>LGPL must be consulted, and the Applicant account for reasonable requests for change, under new Condition 37 of Schedule 9 in respect of monitoring and UXO clearance;</u></li> <li>- <u>LGPL must be notified in respect of surveys, the progress of development, and aids to navigation, under Conditions 16 and 17 of Schedule 9;</u></li> <li>- <u>LGPL must be provided with post-construction monitoring surveys, under Condition 28 of Schedule 9;</u></li> <li>- <u>Navigable depth may not be reduced in the relevant Deep Water Route (DWR) areas and pilot boarding area, under Conditions 13(3) and 22(1)(h)(ii); and</u></li> <li>- <u>By ensuring cables will not impede, prevent, or preclude future dredging in the relevant areas to a depth of 19/22m, as secured by Requirement 2(3).</u></li> </ul> <p><u>These are comprehensive control mechanisms protecting the LGPL's interests, meaning PPs would be unnecessary and an excessive layer of control.</u></p>	<p>out in <u>LGPL's Comments on REP4-044, its submission at Deadline 8.</u></p>	

### 3. Signatures

~~10-12.~~ The above SoCG is agreed between the Applicant and London Gateway Port Limited on the day specified below.

Signed: \_\_\_\_\_

Print Name: \_\_\_\_\_

Job Title: \_\_\_\_\_

Date: \_\_\_\_\_

Duly authorised for and on behalf of the London Gateway Port Ltd

Signed: \_\_\_\_\_

Print Name: \_\_\_\_\_

Job Title: \_\_\_\_\_

Date: \_\_\_\_\_

Duly authorised for and on behalf of North Falls Offshore Wind Farm Ltd



## 4. References

Planning Inspectorate (2024) Statements of Common/Uncommon Ground for Hearings and Inquiries. Available at: Statements of Common/Uncommon Ground for Hearings and Inquiries - GOV.UK



**NORTH FALLS**

*Offshore Wind Farm*



## **HARNESSING THE POWER OF NORTH SEA WIND**

*North Falls Offshore Wind Farm Limited*

*A joint venture company owned equally by SSE Renewables and RWE.*

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