

PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATIONS PROCEDURE) RULES 2010

APPLICATION BY NATIONAL GRID ELECTRICITY TRANSMISSION

**FOR AN ORDER GRANTING DEVELOPMENT
CONSENT FOR THE SEA LINK PROJECT**

(REF: EN020026)

**DEADLINE 3: PORT OF LONDON
AUTHORITY'S COMMENTS ON
SUBMISSIONS RECEIVED AT DEADLINE 2**



GOWLING WLG

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 2 submissions.
- 1.2. The document referred to in this submission is "*Applicant's Comments on Written Representations*" [REP2-034]

2. Applicant's Comments on Written Representations [REP2-034]

- 2.1 The Applicant's response to the PLA's Written Representation is set out in table 2.9. A substantial amount of the PLA's Written Representation is 'noted by the Applicant.' Where the Applicant provides a more substantive response this can be summarised as:
 - At deadline 3 the following documents are to be updated and submitted by the Applicant:
 - Deemed Marine Licence (**dDML**)
 - The Register of Environmental Actions and Commitments (**REAC**)
 - At deadline 4 the following documents are to be submitted into the examination:
 - an outline Cable Specification and Installation Plan (**oCSIP**) with outline Sediment Disposal Management Plan (**oSDMP**) incorporated
 - an updated outline Navigation and Installation Plan (**oNIP**)
 - an updated Chapter 7 of the Environmental Statement – Shipping and Navigation
 - Discussions are ongoing regarding the Areas of Interest and the depths to be safeguarded.
 - Protective provisions for the Port of London Authority are under review by the Applicant.
 - UXO is not included within the dDML and is being consented separately through a marine licence application.
 - The REAC contains both onshore and offshore commitments as the Applicant considers splitting the REAC into separate offshore and onshore documents increases the risk of contractors not having full visibility of all project commitment. The Applicant recognises that certainty is required over which bodies are defined as the discharging authority for the REAC.
- 2.2 The PLA will comment on the new and updated documents as and when they are available, including the protective provisions. The PLA would emphasise the importance of submitting the documents at the deadlines outlined above given that deadline 4 is over half way through the examination period.
- 2.3 The Applicant asks for clarification on the PLA's reference to the absence of a certified plan and design requirement. The PLA would draw the Applicant's attention to the recent decision on Five Estuaries Wind Farm [PINS Reference: EN010115] which contains a Certified Deep Water Route Cable Installation Area (Future Dredging Depths) Plan [REP6-055] and the Development Consent Order (**DCO**) as made by the Secretary of State. The DCO contains within the Schedule 2 Requirements, offshore design parameters, including at Part 1 (3) a requirement that the cable must be installed and maintained so as not to impede dredging to certain depths in certain locations. The locations being shown on the Certified Plan. A Certified Plan and Requirement is also proposed for the North Falls Offshore Wind Farm [PINS Reference: EN010119]. The PLA is seeking for the Applicant to take a similar approach with the Sea Link Project so it is clear on the face of the Order what water depths must be protected in what areas, regardless of the existing depths, and ensures that there is the ability to dredge to the

required depths. The PLA set out in Section 11 of its Written Representation suggested wording for the Requirement and highlighted the need for the wording to also ensure that GridLink could be accommodated should it be installed after Sea Link. The PLA suggest the following wording:

"Requirement X

That any part of Work No.6, including any associated development or ancillary works, located within the Areas of Interest must be installed at a level which would not impede the dredging of those parts of the Areas of Interest to the following depths:

- (a) *Labelled "Sunk Pilot Boarding area", to a level of 22 metres below Chart Datum; and*
- (b) *Labelled "Long Sand Head Two-Way Route crossing", to a level of 12.5 metres below Chart Datum; and*
- (c) *Labelled "North East Spit area" to a level of 12.5 metres below Chart Datum;*

and in all cases (a) to (c) makes allowance for an 'over-dredge' tolerance of 0.5 metres in addition to the stated depths attributable to standard dredging methodology.

Requirement Y

When complying with Requirement [X] the installation level of any part of Work No.6, including any associated development or ancillary work, must be at such a level that case (c) will be achieved even after any part of the works is crossed by the cable(s) for the GridLink Interconnector Project within the Areas of Interest."

The PLA suggest the following wording for the definition of GridLink Interconnector:

"means the electricity interconnector project designated as a European Union Project of Common Interest, project number No. 2018/540".

- 2.4 In relation to reference 5.8, further information is given by the Applicant regarding the Target Depth of Lowering (**TDoL**) which the Applicant states will need to safeguard under keel clearance in the areas of interest, which will be secured through DCO requirements and Protective Provisions and supported by management plans such as the OCSIP. The PLA needs to see the DCO requirements, Protective Provisions and management plans in order to have the certainty that the TDoL will safeguard under keel clearance.
- 2.5 The Applicant remains open to further dialogue with the PLA regarding potential measures to avoid the placement of cable joints within areas identified for safeguarding water depths (Reference 6.9). As set out in its deadline 2 response, the PLA would suggest that the Applicant could commit to no planned field joints within the Areas of Interest.
- 2.6 At entry Reference 10.3 the Applicants states – the Applicant's understanding is that the *"Long Sand Head Two-Way Route Crossing Area"* is specifically relating to water depth safeguarding, and not traffic management. The PLA disagrees. The PLA is concerned about traffic management in the Long Sand Head two-way route as well as water depth.
- 2.7 Finally, in table 2.1 in response to London Gateway's comment Reference 4.5, the Applicant states that the Sea Link cable route does not overlap with the Sunk Deep Water Route or Trinity Deep Water Route as the cable was rerouted to avoid these features. Whilst the PLA agrees that the Sea Link cable route does not cross these routes, ships will have to pass over the Sea Link cables to access the Sunk and Trinity Deep Water Routes.