

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 5: PORT OF LONDON
AUTHORITY'S COMMENTS ON SUBMISSIONS
RECEIVED AT DEADLINE 4**

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 4 submissions. For the avoidance of doubt, the PLA has included within this response comments on the Applicant’s deadline 4A documents, which have been uploaded into the examination library as late deadline 4 submissions and has no comments on any other deadline 4A submissions (suggested locations for site inspections and requests to be heard at an open floor hearing).
- 1.2. Documents referred to in this submission are:
 - 1.2.1. Draft Development Consent Order [REP4-218]
 - 1.2.2. Environmental Statement Part 4 Marine Chapter 1 Physical Environment [REP4-028] and Figures [REP4-050]
 - 1.2.3. Environmental Statement Part 4 Marine Chapter 6 Marine Archaeology [REP4-034]
 - 1.2.4. Environmental Statement Part 4 Marine Chapter 7 Shipping and Navigation [REP4-036]
 - 1.2.5. Environmental Statement Appendix 4.7.A Navigational Risk Assessment [REP4-048]
 - 1.2.6. Outline Navigation and Installation Plan [REP4-076]
 - 1.2.7. Applicant’s Comments on Other Submissions Received at Deadline 3 and 3A [REP4-242]
 - 1.2.8. Applicant’s Comments on Responses to First Written Questions [REP4-083]
 - 1.2.9. Outline Cable Specification and Installation Plan [REP4-090]
 - 1.2.10. Water Depth Baseline Study – Shipping and Navigation Technical Note [REP4-093]
 - 1.2.11. Areas of Safeguarded Water Depth Plan [REP4-098]
 - 1.2.12. Outline Offshore Construction Environmental Management Plan [REP4-224]
 - 1.2.13. Outline Code of Construction Practice [REP4-233]
 - 1.2.14. Register of Environmental Actions and Commitments [REP4-234]
 - 1.2.15. Planning Statement Addendum [REP4-092]

2. Draft Development Consent Order (“**dDCO**”) [REP4-218]

- 2.1 Limited updates have been made to the dDCO at deadline 4. The updates of relevance to the PLA are:
 - Article 3 – Development consent etc. granted by the Order. The Applicant has struck through the reference to Schedule 3 (Requirements).
 - Schedule 3, Requirement 5 – Amendments have been made to the wording of requirement 5 so that all works must be carried out in accordance with the documents listed in 5(2). This now includes The Register of Environmental Actions and

Commitments (“**REAC**”) Section 1 (contained within Chapter 2 of the REAC). The PLA supports this update.

- Schedule 3, Requirement 6 – The REAC as a whole has been removed from Requirement 6. The PLA supports this update.
- Schedule 16 – Deemed Marine Licence (“**DML**”) minor amendments have been made to the DML including numbering and updating the address for the Marine Management Organisation. The PLA has no comments on these minor amendments.

2.2 The PLA is concerned that there is still no Design Requirement within the dDCO and that despite the Ports collective position regarding the need for a Design Requirement, the Applicant has continued to try to advance alternative options such as reliance on the CSIP or a condition in the DML. Neither of these options are appropriate as the CSIP and conditions of the DML are capable of variation or waiver by the MMO. Moreover, it would also be open to the Applicant to seek a separate or new Marine Licence without the design condition. A Design Requirement has been included in the made DCO for Five Estuaries and is proposed in the dDCO for North Falls. Whilst the Applicant has started to indicate that the Areas of Safeguarded Depth will be secured via a Requirement see for example, para 7.9.91 of the Shipping and Navigation Chapter of the Environmental Statement [REP4-036] and the Statement of Common Ground between the Applicant and the PLA, which the PLA understands is being submitted at deadline 5, the PLA has not been provided with proposed drafting so cannot at this time comment on its acceptability.

3. Environmental Statement Part 4 Marine Chapter 1 Physical Environment [REP4-028] and Figures [REP4-050]

3.1 Whilst updates have been made to Marine Chapter 1 Physical Environment, Table 1.18 (page 80) still advises that *“At present, no expected boulder removal is anticipated to be required along the route. However, should boulders be identified that are considered an impediment to the construction during the pre-installation survey, these would be removed by either a subsea grab or a displacement plough.”* The PLA set out in its deadline 2 response [REP2-060] and then in its deadline 4 response [REP4-198] that it was disappointing that the Applicant had not taken the opportunity to commit to no relocation of boulder to or within the Areas of Interest. Table 1.18 should be updated to include this commitment. The PLA also expected this matter to be addressed in the outline Cable Specification and Installation Plan (“**oCSIP**”) which was submitted at deadline 4 [REP4-090] but unfortunately this has not been the case (see section 10 below).

3.2 Table 1.18 (page 82) provides information on the volume of pre-sweeping and still states that *“there is no designated disposal area, the sand will be deposited within the Order Limits for the area of pre-sweeping.”* Again, given the comments that the PLA has previously made on this

point it is disappointing that the Applicant has not updated table 1.18 in line with the oCSIP that was submitted at deadline 4 [REP4-090] where the Applicant proposes that “*all disposal material that is created from planned construction activities will not be disposed of within the three Areas of Safeguarded Water Depth*”. Table 1.18 should be updated to be consistent with the oCSIP.

- 3.3 Unfortunately the tracked change version of the Marine Physical Environment Figures [REP4-050] does not identify where changes have been made. The version history also provides no explanation simply stating, ‘For Deadline 4.’ This makes review of the document extremely time consuming and challenging and it would assist if the Applicant provided an overview of what the changes are and on what pages to help the reader. The PLA notes that on page 10 the ‘proposed marine HVDC cable alignment’ would not cross Gridlink to the East in the deeper water. This emphasises the importance of a robust securing mechanism to ensure that any crossing does in fact occur to the East in the deeper water to enable both projects to be delivered.

4. Environmental Statement Part 4 Marine Chapter 6 Marine Archaeology [REP4-034]

- 4.1 The PLA welcomes the updates that have been made on pages 54, 63 and 65 in relation to wet storage areas, which now makes it clear that the planned location of wet storage will be confirmed in advance to prevent impact to archaeological remains and will also not occur within the Areas of Safeguarded Depth. The PLA notes that commitments relating to wet storage have not been included in the REAC but have been included in the oCSIP [REP4-090] at paragraph 4.2.4 and the outline Navigation and Installation Plan (“**oNIP**”) [REP-076] at paragraph 2.2.6. The PLA considers that as a commitment relating to wet storage is now included in the oCSIP that the wet storage commitment should be included in Section 2 (Chapter 3) of the REAC.

5. Environmental Statement Part 4 Marine Chapter 7 Shipping and Navigation [REP4-036]

- 5.1 Various changes have been made to the Shipping and Navigation Chapter of the Environmental Statement. The main changes include:
- References to London Gateway Port, Port of Tilbury and Medway Port (para 7.7.4) as well as the dredging powers of London Gateway Port (para 7.7.5). These changes are welcomed.
 - A new para 7.7.55 which includes details in relation to the expansion of Ports to serve deeper draughted vessels. It is questioned why the Applicant has been so broad in terms of the future baseline when the specific details are well known and have been agreed in both the Five Estuaries and North Falls Development Consent Order applications: draught of vessel (20m) dredge depth (22m below CD + 0.5m over dredge).

- Para 7.9.78 highlights that water depth may be reduced by more than 5% in certain locations – see comments on Water Depth Baseline Study – Shipping and Navigation Technical Note [REP4-093] in section 11 below.
- Table 7.10 has been amended and new text included at paras 7.9.82-7.9.85 to include more information in relation to reductions in under-keel. There is reference that the Depth of Lowering (“DoL”) ‘may’ need to be increased to safeguard specific dredge depths. The Applicant should have greater certainty on this point given the comments at para 2.3.9 of the Shipping and Navigation Under Keel Clearance Marine Engineering Technical Note [REP1A-038] indicates that DoL may increase from 2.5m to approximately 4.5m in the shallowest sections of the route.
- The PLA notes the additional text at para 7.9.17 and 7.9.19 regarding rolling safety zones. Reference is made to communication with stakeholders and liaison and advance notice to the key ports – how is this secured and what procedures are in place if timings change (e.g due to bad weather). A vessel may have planned their passage into or out of the Port of London based on the advance notice to avoid works and potential safety zones only to find that when they get to the Sunk that the timings of the Applicant’s works have changed due to bad weather and works are being undertaken with safety zones in place.
- New text has been added at paragraphs 7.9.82 – 7.9.85 setting out the PLA’s requirements in relation to safeguarded depth. This is welcomed. However, the PLA is concerned to see at para 7.9.85 that “*National Grid is working to agree these water depth requirements. National Grid agrees in principle to safeguarding the specified water depths in the majority of these three areas and is undertaking further analysis to ensure that the engineering design can achieve sufficient depths in sections where the current water depth is shallower than the threshold requested to be preserved. National Grid is working to secure this commitment in the appropriate place*” (emphasis added). Given that we are at deadline 5 it is concerning that the water depth requirements still do not appear to be agreed by the Applicant and that there may be areas where the Applicant does not agree to safeguard depths. It is also concerning that work remains ongoing to establish whether the Ports requirements can be met. It cannot be right that the Examining Authority and Secretary of State may make a decision on a project without certainty that one of the key requirements can be complied with. Noting that if the areas of safeguarded depth cannot be met then EN-1’s exemption to the presumption of consent would be engaged due to the unacceptable interference to offshore navigation.
- The PLA previously raised concerns regarding the text at para 7.9.85 (now 7.9.89) about the Ports being ‘kept informed’ of seabed hazards as they develop. The updated text now recommends that Ports are kept informed of seabed hazards, any reductions in under-keel clearance in key areas, and changes as they develop (emphasis added). This still does not address the PLA’s concerns and it is concerning that the Applicant

considers that there might be reductions in under keel clearance in key areas as well as seabed hazards as a result of their project.

- Finally, given that the Applicant does not agree in principle to safeguarded water depths in all the three areas (see bullet 5 above) and is still undertaking engineering design to establish whether the required water depths can be met, it is difficult to agree with the conclusion that the impact on deep draughted vessels is moderate (medium) (para 7.9.91).

6. Environmental Statement Appendix 4.7.A Navigational Risk Assessment [REP4-048]

- 6.1 Additional text has been added to paragraph 7.5.10 to provide details on London Gateway Port, the Port of Tilbury and Medway Port. Whilst this additional text is welcomed, the bullets now contain two references to the Port of Medway (see bullet 1 and bullet 6).
- 6.2 Additional text has also been included regarding the future baseline (para 7.5.80). As set out in para 5.1 above, it is questioned why the Applicant has been so broad with its summary and why the specific details of the future baseline have not been included: draught of vessel (20m) dredge depth (22m below CD + 0.5m over dredge).
- 6.3 Paras 7.6.26 and 7.6.29 refer to 500m radius rolling safety zones being established with communication to stakeholders and liaison and advance notice to the key ports (see comments at bullet 4 in section 5 above and in section 7 below).
- 6.4 Additional text has been added at paragraph 7.6.78 – 7.6.81 and the three Areas of Interest and the required depths to be preserved are correctly set out alongside the over dredge requirement. Whilst the Applicant states restricting port activity would have a commercial impact, the impact is wider than this as it would mean that goods would either have to be brought in a different way (e.g. by air) or the goods would need to be transported into different ports and then transported by HGV for the remainder of their journey with the associated impacts to sustainable transport.
- 6.5 Concerningly it is stated at para 7.6.81 that National Grid is working to agree these water depth requirements. The PLA had considered the water depths requirements to be agreed and that it was only the mechanism to secure the commitments that still need to be agreed (also see PLA comments at 5.1 bullet 6 above).
- 6.6 Para 7.6.83 makes reference to keeping ports informed of seabed changes, any reductions in under keel clearance in key areas and changes as they develop – see PLA comments at 5.1 bullet 7 above).
- 6.7 The Recommendations for Additional Mitigation Measures (section 7.7) will need to be updated as other documents are updated. See for example the PLA's Deadline 4 response [REP4-141] where the PLA commented on the mitigation measures in relation to RAM operations.

7. Outline Navigation and Installation Plan [REP4-076]

- 7.1 Various updates have been made to the oNIP at deadline 4 including that at 1.1.1 the scope of the oNIP has been widened to include construction and operation. This change is welcomed. However, it is still unclear exactly what phases of the Project that the oNIP covers as para 1.1.2 refers to the need to manage vessels and maintain communication with stakeholders during construction, operational and maintenance phases. Para 1.1.3 also refers to operation and maintenance. Consistency is needed throughout the document to make it clear when the oNIP applies.
- 7.2 It needs to be ensured that the temporal scope of the oNIP and the conditions in the DML relating to the oNIP are aligned. Para 1.2.18 states that the oNIP applies to the construction phase of the Sea Link project and comes into force once Sea Link construction begins. Table 1.6 includes within its list of construction activities a number of 'pre-installation' activities for example, UXO surveys/clearance, pre-sweeping, crossing preparation and cable route clearance. UXO works are outside the scope of the DML and offshore preparation works or pre-construction surveys are not included within the definition of commence. Therefore it is not clear to the PLA that the NIP which is required to be submitted for approval under condition 4 of the DML would need to be submitted and approved before the pre-installation activities are carried out.
- 7.3 It is noted that the list of interested parties has been updated but it still does not include reference to the Port of Tilbury.
- 7.4 Section 1.3 has been updated and now includes reference to the NIP during operation and maintenance phases however the wording (see for example para 1.3.1) needs to be strengthened with it stating the NIP 'may' also be utilised and updated 'as required'. This gives the impression that reliance on the NIP and updates to the NIP during operation and maintenance are optional. The role of Interested Parties ("IPs") in reviewing and agreeing changes to the oNIP is also not clear with it simply being stated that the NIP will be promulgated to IPs at regular intervals. Para 1.3.3 has been expanded and now includes a requirement for the applicant to consult with IPs on the final version of the NIP before construction to agree communication requirements. The PLA would expect to see wording more along the lines of the Five Estuaries oNIP, where IPs are invited to review and agree any changes to the section on project vessel activities.
- 7.5 Section 2.2.6 on wet storage has been added and it is confirmed that this activity will not take place in the areas of Safeguarded Depth. Whilst this clarification is welcomed it is questioned whether it needs to be included in the oNIP when it is already covered in the oCSIP. It should also be included in the REAC.
- 7.6 The PLA welcomes the updates to section 3.3.6 so that simultaneous RAM activities are not permitted to occur within the concurrent RAM activity area. However, it is concerning that the Project still expects them to happen with para 3.3.11 stating "*Where concurrent RAM operations*

between these offshore projects do nonetheless occur.” Concurrent RAM Operations should also not be permitted to occur in the IMO Routeing Measures AOI and the Princes Channel Approaches AOI and the oNIP should include an optional requirement to carry a local pilot, which would apply to all RAM activities within the Three Developments AOI, Princes Channel Approaches AOI and Princes Channel AOI.

7.7 A new paragraph 3.10.1 on Recommended Restricted Zones (“**RRZs**”) has been added. The PLA notes that these zones will be discussed further with IPs. This further discussion is welcomed, as the size of the RRZs may need to be reduced in order for port operations not to be significantly disrupted at certain times, in areas such as the Sunk Boarding and landing area.

7.8 It is noted that a section 3.12 on freespan clearance has been added. It would be appropriate to include this in section 2 - project vessel activities.

7.9 Finally, the document that has been produced and submitted is titled Navigation and Installation Plan but condition 4 of the DML refers at (g) to a navigation installation plan. It should be ensured that the document title and the DML reference align.

8. Applicant’s Comments on Other Submissions Received at Deadline 3 and 3A [REP4-242]

8.1 The PLA notes that the Applicant’s comments on Other Submissions Received at Deadline 3 and 3A has been updated since deadline 4 and re-submitted at Deadline 4A. The Applicant’s Comments on the PLA’s Deadline 3 Response [REP3-121] is set out in table 10.1. No new / additional information or clarification is provided by the Applicant with the Applicant either noting the PLAs comments; advising that documents (e.g. the REAC) are being reviewed or setting out how they are still considering how to secure the Ports requirements. The PLA has set out above (see para 2.2) why the CSIP and a condition in the DML are not appropriate securing mechanisms and how a DCO Requirement is the appropriate way forward.

9. Applicant’s Comments on Responses to First Written Questions [REP4-083]

9.1 The Applicant sets out their responses to the PLA’s comments at various points throughout the document:

- ISN3 - The PLA and the Applicant remain in disagreement about how the Applicant’s commitments in relation to Areas of Safeguarded Depth should be secured. The PLA does not consider that the CSIP or the DML is the appropriate mechanism (see para 2.2 above) neither does it consider that there needs to be a discharging authority as a Design Requirement is akin to a limit of deviation, it does not need to be discharged. Comments on the Areas of Safeguarded Water Depth Plan [REP4-098] are set out in section 12 below. Comments on the oCSIP [REP4-090] including how it does not secure the three Areas of Safeguarded Water Depth are set out in section 10 below. It is unclear how the PLA’s comments regarding the CBRA have been addressed and in particular where the Applicant has provided confidence that the DoL is realistic and can be achieved.

- ISN7 - It is unclear as to how the Applicant has answered the PLA's particular question.
- ISN14 - The Applicant simply notes the PLA's support of a commitment to no exclusion zone being included within the REAC.
- ISN17 - The Applicant acknowledges the PLA's comment and asks for "*clarity on the matter of the potential for a local pilot to be on board project vessels. Would this apply to a specific area e.g. within a specific AOI established in the Sea Link NIP? Or at a specific phase or during specific project activities? The Applicant would welcome some further detail from the PLA here on this suggestion. In the Five Estuaries NIP, this is included as an optional requirement which would apply during all Restricted in Ability to Manoeuvre (RAM) vessel activities.*" This would be an optional requirement which would apply during all RAM activities within the Three Developments AOI and Princes Channel Approaches AOI.
- IOSU1 – Advises that the Applicant is committed to securing the three Areas of Safeguarded Water Depth and signposts to the oCSIP which it states secures them. See section 10 below and the PLA's comments on the oCSIP which does not secure the Areas of Safeguarded Water Depth.

10. Outline Cable Specification and Installation Plan [REP4-090]

- 10.1 The PLA welcomes the production of the oCSIP and that it includes a section regarding the approach to sediment disposal. The oCSIP advises at para 1.1.7 that it sets out the principles with which the final CSIP must accord. The PLA notes (and has made representations about) the current drafting of the DML which only requires the CSIP to be in general accordance with the principles of the oCSIP. The PLA remains concerned about this wording which is very weak and could result in final plans being substantially different from the outline plans.
- 10.2 The PLA notes and has no in principle objection to a phased approval of the final CSIP however there must be robust consultation mechanisms in place given the potential for significant changes to be introduced into the document over time. At para 1.1.10 it is stated that "*the condition for a CSIP will not be fully discharged until the CSIP for post-lay cable protection is approved by the Marine Management Organisation.*" This statement requires clarification because condition 13 of the DML permits cable protection to be placed up to 10 years after the works are placed.
- 10.3 It is stated at para 1.1.13 that any 'material' updates to the CSIP will be communicated to the MMO, and 'if required' the CSIP will be re-submitted for approval. This could result in changes that the Ports consider to be material taking place to the CSIP without their knowledge because the Applicant is able to decide whether a change is material or not. It also gives the impression that not all changes to the CSIP will require the MMO's approval which is concerning given the importance that the Applicant and the Ports place on this document.
- 10.4 The PLA was concerned to read at para 1.4 that it is only the cables that will be designed, installed, maintained or operated so as not to preclude or impede dredging. The PLA had

thought that there was collective agreement that any part of Work 6 including any associated development or ancillary works would be designed, installed, maintained or operated so as not to preclude or impede dredging. This is a significant change of approach by the Applicant because the use of the word cables means that any cable protection or cable crossings or boulders, archaeological finds etc could impact the dredge depth.

- 10.5 Boulder clearance – there is no reference to not relocating boulders in areas where water depths need to be safeguarded
- 10.6 Pre-sweeping (250,000m³) would either take place by trailer suction or mass flow excavation. In both cases there is no detail provided of disposal location or ensuring that material is not directed into the Areas of Safeguarded Depth.
- 10.7 Wet Storage – the PLA welcomes the confirmation at para 4.2.4 that planned wet storage will not occur within the three Areas of Safeguarded Depth. Reference is then made to the Areas of Safeguarded Water Depth Plan which is also welcomed. However it is questioned why the Areas of Safeguarded Depths are only defined in para 4.2.4 and reference is only made to the Plan in relation to wet storage. The same references should be made in relation to archaeological finds (para 3.3.1 and 3.3.12) and boulder clearance (para 3.3.1).
- 10.8 CBRA – the depth of lowering may require updating given that the Shipping and Navigation Under Keel Clearance Marine Engineering Technical Note [REP1A-038] indicates that DoL may increase from 2.5m to approximately 4.5m in the shallowest sections of the route.
- 10.9 Cable jointing – The PLA welcomes the confirmation that there are no planned cable joints within the three Areas of Safeguarded Depth presented within Plate 1.2, excluding the need for any unforeseen repairs during installation and/or the operational lifetime. If unforeseen repairs during installation and/or the operational lifetime occur within the three Areas of Safeguarded Water Depth, the Applicant advises that they would ‘consult with the relevant Port Authorities’. It is unclear how this consultation is secured. As currently drafted this wording presents more like a statement rather than a commitment and it should therefore be strengthened.
- 10.10 Remediation – The PLA is concerned that there is nothing in the remediation section of the oCSIP which emphasises that the required water depths within the Areas of Safeguarded Water Depth would continue to be protected during remediation works. The Applicant instead advises that where there is insufficient backfill the Project would either re-survey or instruct remedial works and that remedial works may include rock placement. It is essential that the remediation clause that the PLA has been seeking in its protective provisions is complied with and is reflected in the oCSIP.
- 10.11 Cable Crossings – Whilst the PLA welcomes reference to Gridlink and that the “*agreed mitigation with the asset owner is to cross further east in deeper water within the order limits*” it is still unclear how this will be secured. A commitment could be made by the Applicant to

exclude laying the cable in the western/shallow part of the corridor and reflected in the Areas of Safeguarded Water Depth Plan.

- 10.12 The PLA welcomes the inclusion of a chapter in the oCSIP concerning the management of Sediment. At para 7.2.3 it is stated that the *“Proposed Project proposes that all disposal material that is created from planned construction activities will not be disposed of within the three Areas of Safeguarded Water Depth as identified within Plate 1.2 and Application Document 9.104.”*

11. Water Depth Baseline Study – Shipping and Navigation Technical Note [REP4-093]

- 11.1 The production of this report is helpful in visually depicting the depth issues the ports and MCA are concerned about and the importance of the need to safeguard depths, either by absolute values or relative percentage change.
- 11.2 The PLA would suggest that the maximum 5% limit on water depth reduction as proposed by the MCA, is extended to include the NE Spit Area of Safeguarded Depth to approximately KP105. This would be consistent with the approach taken at the other two areas of absolute safeguarded depth to ensure areas currently deeper than the safeguarded depths are also not subject to significant reductions.
- 11.3 The data presented in the various plates show that vessels in excess of 12.5m draught do navigate in the NE Spit area to access the Tongue Deep Water Anchorage or to board/land pilots in adverse weather to access the ports by other routes. In addition to the risk of cable burial not being achieved, there are a number of cable crossings (Britned, Nautilus, Mercator etc) which will inevitably reduce water depths and adherence to the 5% maximum reduction would be appropriate in addition to the absolute 12.5m requirement to mitigate these impacts.

12. Areas of Safeguarded Water Depth Plan [REP4-098]

- 12.1 The PLA welcomes the production of this plan. While the plan shows the areas in which depth is to be safeguarded, it is not specific on the depths and is reliant on the reader to know what the relevant depths are. The PLA would therefore recommend that similar to Five Estuaries, the Depths are included on the Plan.

13. Outline Offshore Construction Environmental Management Plan [REP4-224]

- 13.1 The outline offshore Construction Environmental Management Plan (“**ooCEMP**”) should specify the overarching principles and detailed measures to minimise as far as reasonably practicable and mitigate the effects of the construction activities associated with the proposed Project on the surrounding environment. Additional sections have been included in the document at deadline 4 including offshore Environmental Commitments and Maintenance Measures.
- 13.2 The addition of the oNIP and oCSIP in table 1-4 (other relevant plans) is welcomed.

- 13.3 At para 1.6.4 there is a reference to notifications to port authorities it would appear from para 1.6.7 that if more than notification is required i.e. the contractor wants to liaise with the Ports then this will require the consent of National Grid. It should be made clear that this does not apply where otherwise agreed, for example in the oNIP. During vessel operations contractors will need to communicate directly with stakeholders, such as the ports and Sunk VTS.
- 13.4 The reference at 1.10.5 to avoiding navigational features including known anchorages, maintained channel depths and prohibited regions being avoided where possible should be explained. Along with the reference at 1.10.7 to reduction in charted water depth to lowest astronomical tide (LAT) will be limited to less than 5% where possible.
- 13.5 The Mitigations will need updating as other documents are updated for example, the reference to provision of as built (GM02) still only references the UKHO, the Crown Estate and Kingfisher but they are also going to be provided to the PLA and other Ports. There are also references to stakeholder consultations (see for example GM05) but how is this secured? There is no commitment to maintaining water depths within the Areas of Safeguarded Water Depths. As the commitments and mitigations relate back to the REAC the PLA has provided comments against the REAC (see section 15 below) rather than raising each point here and then again in section 15.

14. Outline Code of Construction Practice [REP4-233]

- 14.1 Whilst a number of updates have been made to the outline Code of Construction Practice (“oCOCP”) these relate primarily to the control and management measures. To reduce duplication the PLA therefore does not set out its comments on the control and management measures here but does so under the comments on the REAC (see section 15 below). The oCOCP will require further updates as the REAC is updated to ensure consistency between the two documents.

15. Register of Environmental Commitments [REP4-234]

- 15.1 The REAC has been updated at deadline 4 and now includes within Section 1 the commitments to be secured by Requirement 5. Section 2 provides details on where commitments are secured in other documents.

Section 1

- 15.2 Commitments relating to the Offshore Scheme start on page 14. Comments on the commitments are set out in the table below:

SN11	As set out in the PLA’s deadline 4 response ‘Comments on Submissions Received at Deadline 3’ the PLA recommends that SN11 is amended so that there is a clear commitment and so that the commitment applies to all three Areas of Safeguarded Water Depth rather than just the Sunk. The
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	amended wording whilst an improvement in terms of a clear commitment still does not apply to all three Areas of Safeguarded Water Depth.
SN12	As set out in the PLA's deadline 4 response 'Comments on Submissions Received at Deadline 3' the PLA recommends that SN12 is amended to remove the wording 'where practical' and so that it applies to all three Areas of Safeguarded Water Depth. It is all questioned why this commitment would only apply to construction. It should apply for all Project phases.
SN19	The measure proposed does not go far enough, it should be possible to commit through SN19 to no planned cable joints in the Sunk and in the other two Areas of Safeguarded Water Depth.
SN20	As set out in the PLA's deadline 4 response 'Comments on Submissions Received at Deadline 3' SN20 needs a re-write to reflect the commitments made by the Applicant in terms of safeguarded depths and it must apply to all three Areas of Safeguarded Water Depth. The reference to the location of cable joints must also be explicit that there will be no planned cable joints in the Areas of Safeguarded Water Depth.
SN22	This commitment needs to carve out the areas where there can be no reduction in water depth and where depths need to be safeguarded.

Section 2

15.3 Commitments relating to the Offshore Scheme start on page 97. Comments on the commitments are set out in the table below but as a general point the usual suite of mitigations for cable schemes are not identified. As these are starting to be developed and included in documents such as the oCSIP it is unclear why they are not being referenced in the REAC.

GM02	The proposed measure needs updating because it still only references the UKHO, the Crown Estate and Kingfisher but as-built locations of the cable and external protection are also going to be provided to the PLA and other Ports.
GM05	Refers to early and continued stakeholder engagement. It is stated that this is secured through the outline offshore construction environmental management plan. The outline plan refers to external notifications and it would appear from para 1.6.7 that authorisation is required from National Grid for stakeholder liaison with statutory authorities and other stakeholders.
SN01	Sets out minimum and target DoL – this may require an update once the Applicant has completed assessing the engineering implications of the additional cable depth of lowering that may be required in areas of the Sunk

	<p>Pilot Boarding areas (which may result in the DoL increasing from 2.5m to approximately 4.5m in the shallowest sections of the route).</p> <p>In addition, SN01 needs so be clear what happens when cable burial is unsuccessful (either to full depth or to minimum DoL) in the Areas of Safeguarded Water Depth and link back to the remediation clause in the PLA's draft protective provisions.</p>
SN08	<p>The Measure Proposed refers to the NIP and it being secured within the DML. Given that the NIP applies to more than the construction phase of the project, column 6 should be updated to read 'all'.</p> <p>SN08 refers to special attention being given to the routing through the Sunk TSS and when in proximity to the Sunk Deep Water anchorage area and Sunk pilot station, as well as when routeing in proximity to the Tongue anchorages and pilot station. The PLA has set out the three areas which it requires special attention to be given to.</p> <p>The reference to 'any expected change in under keel clearance or anticipated introduction of seabed hazards' is concerning.</p>
SN32	<p>This will need to reflect any clear commitments in relation to no concurrent RAM vessels</p>
SN35	<p>The commitment to not putting in place permanent exclusions zones is welcomed.</p>

16. Planning Statement Addendum [REP4-092]

- 16.1 The Planning Statement Addendum includes a response to the Examining Authority's question 1SN4 regarding the National Policy Statement for Ports and at para 5.2.5 it is stated "*The Applicant is working to agree with these water depth requirements. It can be agreed in principle to safeguard the specified water depths in the majority of these three areas. However further analysis is being undertaken to ensure that the engineering design can achieve sufficient depths in sections where the current water depth is shallower than the threshold requested to be preserved. The Applicant is working to secure this commitment in the appropriate place, with a Requirement in the DCO.*" The PLA welcomes the reference to a Requirement in the DCO but is concerned that the water depth requirements still do not appear to be agreed by the Applicant and that there may be areas where the Applicant does not agree to safeguard depths. It is also concerning that work remains ongoing to establish whether the Ports requirements can be met. As previously stated, it cannot be right that the Examining Authority and Secretary of State may make a decision on a project without certainty that one of the key requirements can be complied with. Noting that if the areas of safeguarded depth cannot be met then EN-1's exemption to the presumption of consent would be engaged due to the unacceptable interference to offshore navigation. Given the above, the PLA is unable to agree with the

Applicant's conclusion that the Proposed Project will not adversely impact future ports development.

17. Concluding Remarks

17.1 The PLA remain in discussion with the Applicant as to how mitigations to a number of technical issues are secured. Other projects such as Five Estuaries and North Falls have already set precedents as to how these standard mitigations are secured. The PLA believes these outstanding issues, based on the detailed feedback presented here, can be resolved by the close of the examination, provided the Applicant does not attempt to progress novel alternatives.

17.2 At deadline 1 the PLA included a table at paragraph 13.5 of its Written Representation [REP1-156] setting out how the PLA's concerns regarding the Sea Link application needed to be addressed. With two deadlines remaining, the PLA has updated the table to show progress in relation to the various activities.

Activity	Summary of PLA's Position	Securing Mechanism	Status
Cable installation, maintenance, operation and decommissioning	Safeguarding of current and future depths: 22m Sunk Pilot Boarding Area 12.5m Long Sand Head 12.5m North East Spit And in all cases making allowance for an over-dredge tolerance of 0.5m	Design Requirement DML Protective Provisions for the PLA Certified Plan	Not agreed In discussion First version provided by applicant
Cable installation and maintenance	The most effective method of cable laying in terms of speed and ability to achieve the required cable burial depth must be used	oNIP	Updated version provided by applicant
Cable Crossings	Safeguarding of current and future depths: 22m Sunk Pilot Boarding Area 12.5m Long Sand Head 12.5m North East Spit And in all cases making allowance for an over-dredge tolerance of 0.5m	Design Requirement DML Protective Provisions for the PLA Certified Plan	Not agreed In discussion First version provided by applicant

	Further information and controls required in relation to the Sea Link - GridLink crossing point to ensure that if Sea Link is installed first, Grid Link can still be brought forward and water depths safeguarded	Amendment to Order Limits so that Sea Link and GridLink can only cross in the area of deepest water	Not Agreed
Use of cable protection	Safeguarding of current and future depths: 22m Sunk Pilot Boarding Area 12.5m Long Sand Head 12.5m North East Spit And in all cases making allowance for an over-dredge tolerance of 0.5m	Design Requirement DML Protective Provisions for the PLA Certified Plan	Not agreed In discussion First version provided by applicant
Surveys and Monitoring	Consultation with the PLA prior to any surveys or monitoring taking place	Protective Provisions for the PLA DML oNIP	In discussion Updated version provided by applicant
Boulder relocation	Boulders / Debris cannot be displaced within or to the Areas of Interest and must be removed	oCSIP DML	Not agreed - commitment required
Archaeology relocation	Archaeological relocation cannot occur within or to the Areas of Interest and must be removed	oCSIP DML	Agreed but documents need to be consistent
UXO relocation	The PLA must be consulted on any application for marine licensing for the clearance of UXO within or which may affect the Areas of Interest before such applications are submitted to the MMO. With regard being had to any request made by the PLA for reasonable amendment to the proposed application.	oCSIP oNIP DML	Outside scope of DCO

	The PLA must be notified of the final programme for any clearance of UXO within the Areas of Interest		
Dredging / Disposal of sediment	Dredging cannot lead to a reduction in navigable depth within the Areas of Interest as a result of dredged material being placed directly into these areas of migrating into these areas from disposal sites	oSDMP	First version provided by applicant – agreed on this point
Wet storage	Wet Storage of materials and/or equipment cannot occur within the Areas of Interest	oCSIP DML	First version provided by applicant – agreed on this point
Field joints	Planned field joints should not be located in the Areas of Interest	oCSIP	First version provided by applicant – commitment needs strengthening
Freespan Clearance	There must be a clear commitment to no freespans over the Areas of Interest	oCSIP and/or Design Requirement	Included in oNIP In discussion
Remediation	It needs to be clear what will happen if cable burial depths are not achieved during installation or maintenance.	Protective Provisions for the PLA DML	In discussion