

**PLANNING ACT 2008**

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

**APPLICATION BY NATIONAL GRID ELECTRICITY TRANSMISSION (NGET) FOR SEA LINK  
FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR THE SEA LINK PROJECT**

**(REF: EN020026)**

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**DEADLINE 6**

**EXAMINING AUTHORITY'S WRITTEN  
QUESTIONS 3**

**RESPONSE BY THE PORT OF LONDON  
AUTHORITY**

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Below is the Port of London Authority's response to the Examining Authority's Third Written Questions.

ExQ3	Question to:	Question:	PLA'S Response
<b>1. General and Cross-topic Questions (GEN)</b>			
3GEN2.	Applicant and all interested parties	<p><b>Critical national priority</b></p> <p>Paragraph 4.2.15 of NPS EN-1 says that where residual non-habitats regulations assessment or non-Marine Conservation Zone (MCZ) impacts remain after the mitigation hierarchy has been applied, these residual impacts are unlikely to outweigh the urgent need for CNP infrastructure. It goes on to say that the exception to this presumption of consent are residual impacts onshore and offshore which present an unacceptable risk to, or unacceptable interference with, human health and public safety, defence, irreplaceable habitats or unacceptable risk to the achievement of net zero. The same exception applies to this presumption for residual impacts which present an unacceptable risk to, or unacceptable interference offshore to navigation, or onshore to flood and coastal erosion risk.</p> <p>(a) Without prejudice to the position of any party, are there any issues in this</p>	<p>The PLA set out in section 4 of its deadline 1 response [REP1-156] how unacceptable interference offshore to navigation is an exception to the presumption of consent for renewable energy infrastructure. At deadline 1 the Planning Statement [AS-058] concluded that there was no significant residual effects on shipping and navigation. The PLA could not agree with that conclusion due to the absence of a Certified Plan, a Design Requirement, agreed protective provisions for the PLA, an outline Cable Specification and Installation Plan (“<b>oCSIP</b>”) and an outline Sediment Disposal Management Plan (“<b>oSDMP</b>”). Amendments were also required to the outline Navigation and Installation Plan (“<b>oNIP</b>”) and Deemed Marine Licence (“<b>DML</b>”)</p> <p>The Areas of Safeguarded Water Depth Plan was introduced into the examination at deadline 4 [REP4-098]. The PLA requires amendments to this plan to include the depths that are being safeguarded at the Sunk Pilot Boarding Area, Long Sand Head Two Way Route Crossing and North East Spit. The Plan also needs to show areas of shallower water depths where the Sea Link and GridLink cables will not cross and the cables not crossing in the area shown on the plan must be secured in the dDCO. The Plan must be</p>

ExQ3	Question to:	Question:	PLA'S Response
		<p>case that might potentially fall into this category of the exceptions to this presumption of consent? For example, might the issue of flooding and the application of the sequential and exception test potentially fall into this category in the event of there being an "unacceptable risk"?</p> <p>(b) Are there any further submissions any party wishes to make on the potential application of CNP policy in this case (should it be required)?</p>	<p>included in the list of Certified Documents set out in Schedule 19 of the dDCO.</p> <p>A Design Requirement was included in the dDCO at Deadline 5. The PLA is supportive of this addition and has set out in its Comments on Submissions Received at Deadline 5 that minor drafting amendments are required to ensure that the terminology used within documents is consistent.</p> <p>Protective Provisions for the PLA were included in the dDCO at Deadline 5. Whilst their inclusion is welcomed the PLA are still in discussion with the Applicant, including in relation to a remediation clause, and expects further amendments to be submitted at deadline 6.</p> <p>The PLA has outstanding comments on a number of plans. These are set out in the PLA's Comments on Submissions Received at Deadline 5.</p> <p>The outstanding issues set out above need to be resolved in order for there not to be unacceptable interference to navigation. The PLA considers that all issues can be satisfactorily resolved but is becoming increasingly concerned about the amount of time that is available to resolve these issues before the examination must close.</p>

ExQ3	Question to:	Question:	PLA'S Response
<b>21. Shipping and navigation</b>			
3SN4	MMO	<p><b>Cable burial</b> Has the applicant's response in [REP5-132] to your concern in relation to cable burial depths from KP 96.343 to 113.83 [REP4-126] provided sufficient information? If not, what more do you require and why.</p>	<p>Whilst this question is directed to the MMO, the PLA confirms that it has no in principle objection if deeper cable burial was to occur between KP 96.343 and KP113.83.</p> <p>The PLA notes that the Applicant's response in REP5-132 includes confirmation that they will update the Cable Burial Risk Assessment ("CBRA") post consent based on the additional requirements for deeper burial identified by stakeholders during examination. It is unclear to the PLA where this commitment is secured. There is no commitment for example in the Register of Environmental Actions and Commitments ("REAC") [REP5-116].</p>
3SN5	Applicant MMO and other relevant stakeholders	<p><b>Outline Cable Specification and Installation Plan [REP4-090]</b></p> <p>In the MMO's comments in [REP4-126] it is stated that the oCSIP will need to be compared to the CBRA.</p> <p>Has the comparison been undertaken and what is the outcome?</p> <p>Provide details of any concerns the MMO (or other stakeholder) have and any suggested remedy.</p>	<p>The PLA considers that whilst the oCSIP and CBRA perform two different functions, the oCSIP (and subsequent CSIP) must be informed by a CBRA. This is secured through the DML and the PLA's protective provisions.</p> <p>The CBRA assesses the risk to the cables from various hazards and following this assessment sets the recommended depth of lowering ("DoL") for the cables. The recommended DoL set out in the CBRA therefore needs to be included in the oCSIP and subsequent CSIP as the DoL is an essential parameter of how the project is to be delivered.</p>

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			<p>The minimum DoL as set out in the CBRA (page 135) and oCSIP (para 4.3.9) to the top of the cable is 0.5m (in areas of bedrock) with a target depth of lowering of 1-2.5m depending on the hazards present in the area.</p> <p>The PLA had concerns that in parts of the Sunk Pilot Boarding area the DoL might increase from 2.5m to approximately 4.5m in the shallowest sections of the route (see Shipping and Navigation Under-Keel Clearance Marine Engineering Technical Note [REP1A-038]) and the PLA has since deadline 2 therefore been requesting that application documents were updated to reflect this additional lowering.</p> <p>At Deadline 5 the Applicant submitted Areas of Safeguarded Water Depth – Consideration of Additional Installation Requirements [REP5-139] and this sets out how pre-sweeping is now proposed at the Sunk Pilot Boarding area with the average depth of material to be removed being 1.5m. The Applicant has confirmed to the PLA that this pre-sweeping means that the subsequent cable lowering “remains 2.0m-2.5m below 22.5m CD”. As a result of this confirmation the PLA is content that the DoL information in the oCSIP and CBRA are consistent and that the documents do not require an update in respect of DoL.</p> <p>As set out above, the PLA notes that the Applicant’s response in REP5-132 includes confirmation that they will update the CBRA post consent based on the additional requirements for deeper burial identified by stakeholders</p>

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3SN6.	MCA MMO PLA LGPL HHA	<p><b>Anchor strike risk</b></p> <p>Provide clarification as to whether concerns regarding anchor strike risk, particularly in relation to the Sunk anchorage would be adequately mitigated by the mitigation measures including the target depth of lowering and external cable protection details set out in the oCSIP [REP4-090]. If not, provide details of any remaining concerns and/ or additional measures that would be required.</p>	As set out in para 5.1.8 of the oCSIP, the Applicant's primary method of cable protection is burial of the cable. The PLA has no in principle concerns with this but would be concerned if target DoL was not achieved and then as set out in 5.1.7 of the oCSIP the Applicant looked to add protection in the form rock placement as this could impact water depths. If target DoL is not met and concerns remain regarding anchor strike, remedial works must be undertaken to lower the cable to the required depth.
3SN9.	MMO MCA Port of London Authority (PLA) London Gateway Port Ltd (LGPL) Harwich Haven Authority (HHA) Applicant	<p><b>dDML conditions 4 and 12</b></p> <p>Do conditions 4(6) and/or 12(3) need to be amended to apply only to areas outside of the areas where the safeguarded depths are being agreed. If so, provide amended wording. If not, explain why not.</p>	<p>The PLA would be supportive of an amendment to condition 4(6) so that water depth can not be reduced by more than 5% outside the Areas of Interest and no reduction within the Areas of Interest. The PLA set out most recently in its deadline 4 response [REP4-198] suggested wording to deal with this point:</p> <p>(6) In undertaking the licensed activities, the undertaker must not reduce water depth by more than 5% unless agreed with the MMO in writing <b>and within the areas of interest navigable depth may not be reduced to any extent.</b></p>

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			<p>The PLA would also be supportive of an amendment to condition 12(3) so that water depth cannot be reduced within the Areas of Interest. The PLA set out most recently in its deadline 4 response [REP4-198] suggested wording to deal with this point:</p> <p>(3) In undertaking activities under condition 12(2)(d), the undertaker must not reduce water depth by more than 5% unless agreed with the MMO in writing <b>and within the Areas of Interest navigable depth may not be reduced to any extent.</b></p>
3SN12.	Gridlink MMO MCA PLA LGPL HHA	<p><b>Planned cable crossing within North East Spit</b></p> <p>Provide your comments on the securing mechanisms included in requirement 17(2) [REP5-006] for safeguarding water depths in relation to the potential crossing with the planned GridLink cable.</p>	<p>The PLA welcomes the securing mechanisms included in requirement 17(2) for safeguarding water depths.</p> <p>The PLA has set out in response to 3GEN2 amendments that are required to The Areas of Safeguarded Water Depth Plan [REP4-098], and that the cables not crossing in the area shown on the plan must be secured in the dDCO. The Plan must also be included in the list of Certified Documents set out in Schedule 19 of the dDCO.</p>
3SN13.	MMO MCA PLA LGPL HHA	<p><b>Cable crossings</b></p> <p>Provide your comments on the applicant's proposed mechanisms for safeguarding water depths at the point of cable crossings. If you consider that the proposed mechanism is not appropriate, provide a</p>	<p>The PLA has set out above in response to 3SN12 its response in relation to the crossing of GridLink.</p> <p>For other cable crossings, the PLA would highlight The Shipping and Navigation Under-Keel Clearance Marine Engineering Technical Note [REP1A-038] which provides details of known crossings in tables 4.2 and 4.3. The PLA is</p>

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		<p>detailed explanation of why not, suggest a more appropriate mechanism and suggested wording, unless already provided.</p>	<p>content that Requirement 17 would appropriately safeguard the absolute water depth requirements within the Sunk Pilot Boarding Area, Long Sand Head Two Way Route and North East Spit.</p> <p>The MCA have set out in their response to EXAQ QISN3 [REP3-107] that <i>“Where existing cable crossings are necessary, we would expect the applicant to not exceed the 5% maximum depth reduction at any of the cables crossing within the NE spit.”</i> The PLA is supportive of the MCA’s position.</p> <p>The MCA also stated in response to ExAQ Q10SU2 <i>“For cable crossings, the cable protection measures installed in cable crossing areas should not reduce the depth of water by more than 5% of chart datum. If the applicant is unable to meet this, they should consult with the MCA and other relevant stakeholders to ensure that the risk to navigation is reduced to ALARP. We would recommend the applicant ensures maximum burial in areas where planned cable crossings are expected so there is minimal reduction in depth.”</i> Again, the PLA is supportive of the MCA’s position.</p>
3SN14.	MMO MCA PLA LGPL HHA	<p><b>Planned cable joints within the three areas of safeguarded depth (ASD) on plate 1.2 of [REP4-090]</b></p> <p>The oCSIP sets out in section 4.4 that there will be no planned cable joints in the three</p>	<p>The oCSIP advises at para 4.4.4 that there are no planned cable joints within the three Areas of Safeguarded Depth, excluding the need for any unforeseen repairs during installation and/or the operational lifetime.</p>

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		<p>ASDs. Is this sufficient to minimise risks to shipping and navigation to ALARP and mitigate any likely significant effects on shipping. If not, explain the additional measures that are required, and if appropriate provide suggested wording.</p>	<p>The dDCO submitted at deadline 5 includes at Part 2 Condition (3) that in the Areas of Interest there are to be no cable joints as part of the construction or maintenance of Work No. 6 (unless necessitated by emergency maintenance works).</p> <p>The PLA is therefore satisfied that there will be no planned cable joints in the three Areas of Safeguarded Depth.</p>
3SN16.	MMO MCA PLA LGPL HHA	<p><b>Unplanned cable joint repairs</b></p> <p>Condition 12 of the dDML [REP5-005] sets out that 'maintenance' includes cable repairs. REAC provision SN33 states that unplanned cable repair joints will be avoided in the Sunk, so far as practicable, but if such a scenario is unavoidable, the project shall consider potential collision risk and minimize time spent during maintenance in this region as much as possible. The oCSIP [REP4-090] sets out in section 4.4 further detail of the procedure for cable jointing and unforeseen repairs within the three areas of safeguarded water depth. Consider whether these provisions provide adequate safeguards to minimise risks to shipping and navigation to ALARP in</p>	<p>The Applicant cannot predict where a cable joint may be required during operation/maintenance and The Description of the Proposed Project [REP1A-004] advises at para 4.10.19 that where possible a repair agreement would be in place with provision for a minimum of 5 repair joints.</p> <p>REAC provision SN33 seeks to avoid cable repairs joints in the Sunk, so far as practicable. This is welcomed but the PLA accepts that the Applicant may ultimately have to repair the cable within the Sunk area at which point SN33 considers potential collision risk and seeks to minimise the time spent in the region as much as possible. The PLA considers that there is a balance to be struck between minimising time in the Sunk area and the impacts of the solution that is being proposed. For example, a quicker solution could be to repair the joint and leave the cable on the seabed with rock protection over it. This would be a sub optimal solution to being in the Sunk area for a longer period</p>

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		this regard, and if not explain why not and suggest alternative or additional measures.	of time and burying the cable so that there is no impact on water depths.
3SN21.	MCA MMO PLA LGPL HHA	<p><b>Schedule of outstanding matters</b></p> <p>Provide a schedule of outstanding matters with a clear explanation of the implications (likely significant effects or ALARP) in terms of shipping and navigation if these matters remain unresolved at the close of examination. Where DCO/DML drafting could resolve these matters please provide suggested wording.</p>	Please see the table at section 14 of the PLA's Comments on Submissions received at Deadline 5.