

**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)**

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**DEADLINE 7: PORT OF LONDON  
AUTHORITY'S COMMENTS ON SUBMISSIONS  
RECEIVED AT DEADLINE 6**

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## 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 6 submissions.
- 1.2 Documents referred to in this submission are:
- 1.2.1 Draft Development Consent Order [REP6-005]
  - 1.2.2 Environmental Statement Part 4 Marine Chapter 1 Physical Environment [REP6-027]
  - 1.2.3 Environmental Statement Part 4 Marine Chapter 7 Shipping and Navigation [REP6-037]
  - 1.2.4 Environmental Statement Appendix 4.7.A Navigational Risk Assessment [REP6-043]
  - 1.2.5 Outline Offshore Construction Environmental Management Plan [REP6-073]
  - 1.2.6 Areas of Safeguarded Water Depth Plan [REP6-095]
  - 1.2.7 Outline Navigation and Installation Plan [REP6-100]
  - 1.2.8 Register of Environmental Actions and Commitments [REP6-135]
  - 1.2.9 Outline Cable Specification and Installation Plan [REP6-137]
  - 1.2.10 Water Depth Baseline Study – Shipping and Navigation Technical Note [REP6-139]
  - 1.2.11 Schedule of ExA’s recommended amendments to the applicant’s dDCO [PD-024]
- 1.3 As there are consistent themes between application documents the PLA has produced this written submission in thematic format, referencing the documents which the matter relates to.
- 1.4 Following updates at deadline 6, the PLA has no further comments on Environmental Statement Part 4 Marine Chapter 1 Physical Environment [REP6-027] and the Areas of Safeguarded Water Depth Plan [REP6-095]. However, the PLA emphasises in relation to this Plan that, in line with the Schedule of ExA’s recommended amendments to the applicant’s dDCO [PD-024], that the Areas of Safeguarded Water Depth Plan must be a certified document in Schedule 19 of the dDCO.

## 2. Water Depths

- 2.1 The PLA’s consistent position has been that to accommodate existing and predicted future vessels, the PLA needs to safeguard minimum water depths in specific areas now as shown on the Areas of Safeguarding Water Depth Plan [REP6-095]. This has now been secured through Requirement 17 in Schedule 3 of the draft Development Consent Order (“**dDCO**”) [REP6-005].
- 2.2 The PLA’s position since deadline 1 has been that, consistent with the Five Estuaries and North Falls Offshore Wind Development Consent Orders, there should be no reduction on existing water depths within the Areas of Safeguarded Water Depth and the references in the dDCO

permitting the 5% reduction needed to exclude the Areas of Safeguarded Water Depth where no reduction should occur. The DCO drafting only provided for no reduction in water depth between KP33-38, which is outside the Areas of Safeguarded Water Depth, through condition 4(6) of the Deemed Marine Licence (“DML”). We further note the ExA’s suggested changes to delete references to KP33-38 which the PLA does not support and does not reflect the Applicant’s update to the Water Depth Baseline Study – Shipping and Navigation Technical Note [REP6-139] where they included KP33-KP38.7 as an area where there can be no reduction in water depth.

2.3 The DML in Schedule 16 of the dDCO through condition 4(5) states that in undertaking the licensed activities, the undertaker must not reduce water depth by more than 5% unless agreed with the MMO in writing in consultation with MCA and Trinity House. Condition 4(5) therefore permitted a 5% reduction along the whole of the cable route, including in the Areas of Safeguarded Water Depth contrary to the PLA’s position.

2.4 The MCA’s position from their comments on ExA3WQ (3SN9) [REP6-275] seems to be:

*The 5% reduction in water depth applies to the whole cable route. In areas of safeguarded water depth, a maximum reduction of 5% or the agreed depth, whichever offers more depth must be considered. This is particularly applicable in the SW section of the NE Spit.*

2.5 The PLA is prepared to support the MCA’s position that, whilst there can be up to 5% reduction along the whole of the cable route, in the Areas of Safeguarded Water Depth, there can be a maximum reduction of 5% or to the agreed safeguarded depth, whichever results in a greater water depth. Outside of those areas there is a maximum reduction of 5% unless the MMO agrees a depth greater than 5% in writing in consultation with the MCA and Trinity House.

2.6 For example in the North East Spit, if the seabed is 10m Chart Datum (“CD”) and the absolute safeguarded depth is 12.5m CD + 0.5m over dredge tolerance, then the 13m CD absolute level is the shallowest permitted. If the seabed is between 13m CD and 13.7m CD, the absolute safeguarded depth of 13m CD will still be the overriding restriction. If the seabed is deeper than 13.7m then the 5% maximum reduction would then apply as it’s deeper than the 13m absolute level.

2.7 In terms of the dDCO and the DML drafting in Schedule 16, and the amendments required to deal with water depths the PLA is seeking the following drafting:

*Condition 4(1)(b)(v) a detailed cable laying and burial plan, incorporating a burial risk assessment encompassing the identification of any cable protection and associated development or ancillary work demonstrating how the undertaker will comply with the*

*requirements of Requirement 17 and Condition 4(5), and details of any steps (to be determined following consultation with the MCA and Trinity House) to be taken to ensure existing and future safe navigation is not compromised or similar such assessment to ascertain suitable burial depths and cable laying techniques, including cable protection;*

Condition 4(5) *“In undertaking the licensed activities,*

*(i) within the Areas of Safeguarded Water Depths the undertaker must not reduce existing water depths by more than 5% of navigable depth referenced to Chart Datum or below the depths required by Requirement 17 in Schedule 3 (whichever results in the greatest water depth); and*  
*(ii) outside these areas the undertaker may not reduce existing depths by more than 5% of navigable depth referenced to Chart Datum unless the MMO agrees a depth greater than 5% in writing in consultation with the MCA and Trinity House.”*

Condition 4(6) *“In undertaking the licensed activities, the undertaker must not reduce existing water depths between KP 33 and KP 38 unless agreed with the MMO in writing in consultation with the MCA and Trinity House.”*

Condition 12 (3) *“In undertaking activities under condition 12(2):*

*(i) within the Areas of Safeguarded Water Depths, the undertaker must not reduce existing water depths by more than 5% of navigable depth referenced to Chart Datum or below the depths required by Requirement 17 in Schedule 3 (whichever results in the greatest water depth); and*

*(ii) outside these areas, the undertaker may not reduce existing depths by more than 5% of navigable depth by reference to Chart Datum unless the MMO, the PLA, London Gateway Port Limited, MCA and Trinity House all agree to the additional reduction.”*

2.8 The PLA has received confirmation from the MCA that both parties requirements are now fully aligned and the PLA has agreed the above DML drafting amendments with London Gateway and the MCA. The above drafting has also been shared with the Applicant but the PLA has not heard whether the drafting is agreed.

2.9 With the above drafting on water depths incorporated into the dDCO and clear mechanisms to ensure that, where reductions in water depths are proposed, this does not detrimentally impact navigation, the Ports would have confidence that the essential need to protect under keel clearance will have been appropriately addressed. All relevant Shipping and Navigation Documents as well as the DCO and DML should be updated to reflect the above position.

### **3. Pre- Construction Activities**

3.1 As is common with the installation of cables, pre-construction activities are proposed. These are detailed in high level terms in table 1.2 of the outline Offshore Construction Environmental

Management Plan (“**outline Offshore CEMP**”) [REP6-073] with a more detailed description of pre-construction activities provided in section 2.2 of the outline Navigation and Installation Plan (“**oNIP**”) [REP6-100] and section 3 of the outline Cable Specification and Installation Plan (“**oCSIP**”) [REP6-137]. The PLA would summarise the pre-construction activities as:

- Surveys
- UXO clearance
- Boulder clearance (removal, relocation or avoidance)
- Archaeological finds (relocation or avoidance)
- Sandwave clearance (pre-sweeping)
- Trial trenching

3.2 Whilst accepting that table 1.2 of the outline Offshore CEMP [REP6-073] is a high-level list of activities, the PLA considers that trial trenching does not fall within the definition of any of the pre-installation activities currently detailed within table 1.2 and it should therefore be included. An overview of the activity should also be provided in section 1.10. The oNIP at section 2.2 should also include information about trial trenching if it is proposed within the geographic scope of the oNIP.

3.3 The Applicant must also include commitments in relation to boulder relocation, archaeological relocation and trial trenching in the Register of Environmental Actions and Commitments (“**REAC**”) at deadline 7.

3.4 The PLA understands that the Applicant will be making the above changes to the documents at deadline 7.

3.5 The only outstanding matter in relation to pre-commencement activities would then be when documents such as the NIP and CSIP will apply from and if the pre-commencement activities are controlled by these Plans. For example, para 1.2.21 of the oNIP [REP6-100] states that the NIP comes into force once construction begins. That would mean that pre-commencement activities would not be controlled by the NIP. In addition, as condition (4) of the DML only requires plans such the NIP to be submitted and approved prior to the commencement of licensed activities this means activities such as pre-commencement surveys could take place prior to the approval of the NIP. To address this matter the PLA and the Applicant have agreed to consultation provisions relating to a pre-commencement NIP being secured in the PLA's protective provisions which the Applicant is to incorporate into the dDCO at deadline 7.

#### **4. Maintenance – Emergency Repairs**

4.1 The Applicant introduced wording relating to emergency repairs into various documents at deadline 6 - see para 6.1.3 of the oCSIP [REP6-137] and para 1.10.12 of the Outline Offshore CEMP [REP6-073]. Whilst there is no in principle concern with the addition of wording relating to emergency repairs, the PLA would question the scope of what constitutes an emergency and

in particular the reference to “*reasonably believed to be so*”. This means that an issue does not need to be happening, just the Applicant reasonably considers it could and would therefore potentially allow the Applicant to undertake all repairs under the emergency repair category. It is also surprising that there is no mention of emergency repairs in section 1.13 of the outline Offshore CEMP despite most cable repairs being likely to be required during the maintenance period of the project.

## 5. Detailed Plans

- 5.1 In line with the Schedule of ExA's recommended amendments to the applicant's dDCO [PD-024] and the various amendments proposed by the ExA to remove reference to detailed plans being in substantial accordance with outline plans, the DML must also be updated so that the CSIP, Offshore CEMP and NIP which are all required to be submitted pursuant to condition 4 of the DML all have the reference to 'substantial' removed. Additionally, the reference at para 1.1.7 of the oCSIP to the CSIP being in substantial accordance with the oCSIP will require updating.
- 5.2 There is the ability for the MMO to approve non compliance with documents without undertaking any consultation with interested parties. This is concerning to the PLA and whilst suitable levels of engagement and consultation must occur before a plan is approved by the MMO, there is no such requirement to engage and consult prior to non compliance. This has been raised by the ExA in their Rule 17 letter and the Applicant and the PLA have met to discuss the matter. Whilst the PLA's preference would be an amendment to condition 4(4) to align with what was agreed in the North Falls dDCO (condition 23(4) on page 128 of [REP8-005]<sup>1</sup>) it is understood from the Applicant that this would not be acceptable to the MMO. The Applicant and the PLA have therefore agreed an amendment to the PLA's protective provisions to include consultation with the PLA where the written agreement of the MMO is being sought by the Applicant pursuant to condition 4(4) to not comply with a plan. We understand that the Applicant will incorporate this amendment into the dDCO at deadline 7.
- 5.3 The Application documents still require checking for consistency, including:
- Marine Chapter 7 Shipping and Navigation [REP6-037] - para's 7.9.8 and 7.9.19; Appendix 4.7.A Navigational Risk Assessment [REP6-043] - para's 7.6.20 and 7.6.29; oNIP [REP6-100] - para's 1.2.1, 1.2.21 and 1.3.1. All of which refer to a Navigation Installation Plan instead of a Navigation and Installation Plan.

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<sup>1</sup> This reads: "(4) The licensed activities must be carried out in accordance with the approved plans, protocols, statements, schemes and details approved under condition 22, unless otherwise agreed in writing by the MMO (provided that the MMO has consulted with any party that it was required to consult with in relation to a relevant plan, protocol, statement, scheme or details pursuant to condition 22)".

- Definitions and the Areas of Safeguarded Water Depth Plan (see comments on Article 2 of the dDCO below).

#### 5.4 Minor updates that are still required to documents include in relation to the oNIP [REP6-100]

- The list of interested parties at para 1.2.25 should include Medway Port.
- Whilst the PLA welcomes the updates to para 1.3.3 and 1.3.4 in relation to updates to the documents, in order to fully address the PLA's concern and to align with para 1.1.14 of the oCSIP [REP6-137], para 1.3.4 of the oNIP should state that any updates to the oNIP will be communicated to the MMO in consultation with stakeholders, and if required, the NIP will be re-submitted for approval.
- The PLA welcomes the update at para 2.3.3 which partially addresses the PLA's concern. To fully address it, it should be made clear that at all times any cable protection/post lay rock will comply with Requirement 17 of the DCO. As an alternative, section 3.10 of the oNIP could be cross referenced.

### 6. HAZOP Workshop

6.1 It is now proposed that a HAZOP workshop will be held. Whilst this is welcomed, the scope of the workshop needs to be expanded. At para 7.9.19 of Marine Chapter 7 Shipping and Navigation [REP6-037] and para 7.6.29 of the Navigational Risk Assessment [REP6-043] it is stated: "*The NIP sets out that a HAZOP workshop will be held which will also discuss and define weather limits including visibility thresholds.*"

6.2 Currently the reference to the HAZOP workshop in the oNIP only appears in new section 3.4 "*Weather Constraints.*" The scope of any HAZOP workshop should not be limited to weather forecasting and limits but should consider other areas such as communication protocols, RAM, other movements etc.

### 7. Concurrent RAM operations

7.1 It is essential to the efficient running of the Ports that simultaneous RAM operations are not permitted to occur within certain areas. This is currently secured in the oNIP [REP6-100] in relation to:

- Simultaneous RAM operations within the Sunk Pilotage Concurrent RAM Activity Area
- In combination concurrent RAM activities (with Five Estuaries and North Falls) within the Sunk Pilotage Concurrent RAM Activity and the Trinity Deep Water Route areas
- In combination concurrent RAM activities (with Five Estuaries and North Falls) within the Outer Sunk East and the Outer Sunk Central

7.2 The PLA remains of the opinion that concurrent RAM activity should also be prohibited in the North East Spit and that this should be made clear in the oNIP and shown on plate 3.1.

## 8. Draft Development Consent Order [REP6-005]

8.1 Updates of relevance to the PLA, noting the ExA recommendations where relevant are:

- Article 2 – updated definitions for “*areas of safeguarded water depth*” and “*areas of safeguarded water depth plan*.” The PLA is supportive of the changes but would just note that the definition of “*areas of safeguarded water depth*” refers to the “*safeguarded depth plan*” rather than the “*safeguarded water depth plan*”. This needs to be updated. The definition of “*areas of safeguarded water depth plan*” refers to the “*areas of safeguarded depth plan*”. This should be “*areas of safeguarded water depth plan*.”
- Schedule 3, Requirement (5) as noted in paragraph 7.2 of the PLA's Deadline 6 submission [REP6-140],

*“the REAC “has been developed to provide firm, precise commitments for measures that are not subject to amendment” however Requirement 5(1) of the dDCO allows for the relevant planning authority or other discharging authority to allow the works to be carried out not in compliance with the approved plan. This is concerning, particularly as it is not clear who would approve non-compliance with the offshore elements of the proposed Scheme or whether any consultation would take place before non-compliance was permitted or refused. The commitments provided for in the REAC and the requirement to carry out the works in accordance with the REAC should be absolute and Requirement 5 should be amended accordingly”.*

The PLA notes that Section 1 of the REAC is only listed in Requirement 5 and it is not referenced in the DML and therefore it would appear that the Marine Management Organisation has no powers to approve any non compliance with the offshore elements of the REAC.

- Schedule 3, Requirement 17 Depth Protection: there are updates to refer to the defined term “*areas of safeguarded water depth*” which is agreed by the PLA although the term should be used in the lower case. The addition of the word “Area” to 17(1)(b) is agreed. Additional wording has also been included to provide that no part of Work No.6, including any associated development or ancillary works, is to be installed within the Sea Link Exclusion Area as shown on the Areas of Safeguarded Water Depth Plan. This addresses the PLA's position that controls are required in relation to the Sea Link - GridLink crossing point to ensure that if Sea Link is installed first, GridLink can still be brought forward and water depths safeguarded.

- Schedule 15, Part 9 Protective Provisions for the protection of the PLA: The updates are limited to an update to refer to Areas of Safeguarded Water Depth. Discussions on protective provisions have continued with the Applicant and the form of the protective provisions are now agreed and we understand that the Applicant will include the agreed protective provisions in the Deadline 7 dDCO.
- Schedule 16 – DML: There have been the following changes to the Conditions:
  - Condition 1 has been updated to make reference to the Areas of Safeguarded Water Depth which is agreed. There is a further change to Condition 1 sub-paragraph (3)(e) which now reads: *"Where there are existing cables installed in the North East Spit Area that are to be crossed by Work No.6 the undertaker must install Work No.6 so as to achieve the required depth protection specified in Requirement 17 of Schedule 3"*. This is agreed as existing cables that need to be crossed are only situated in this area and noting that condition 4(5) also applies.
  - Condition 3(12) the PLA note that the that the ExA in its Schedule of recommended amendments to the applicant's dDCO [PD-024] proposes the following update:

*"In case of exposure of cables on or above the seabed, the undertaker must, within five days following identification of a cable exposure, **and as soon as reasonably practicable within the Areas of Safeguarded Water Depth (and no later than five days)**, [notify mariners] by issuing a notice to mariners and by informing Kingfisher Information Service of the location and extent of exposure. Copies of all notices must be provided to the MMO, MCA, Trinity House, Kingfisher Information Service of Seafish and UK Hydrographic Office within seven days of the exposure identification."*

The words in square brackets have dropped out of the ExA's text and should be reinserted. In addition the time of notification should be very short and the PLA would advocate 2 business days where exposure has been identified. This is consistent with the protective provisions agreed between the PLA and the Applicant.

- The PLA note that the that the ExA in its Schedule of recommended amendments to the applicant's dDCO [PD-024] proposes the following update to condition 4(1)(b) (Cable Specification Installation Plan)

*"(v) a detailed cable laying and burial plan, incorporating a burial risk assessment encompassing the identification of any cable protection **and associated development or ancillary work that in the Areas of Safeguarded Water Depth would result in water depths being reduced in exceedance of the specified depths, or outside these areas would exceed 5% of navigable depth referenced to Chart Datum**"*

~~exceeding 5% of navigable depth~~ is identified, details of any steps (to be determined following consultation with the MCA and Trinity House) to be taken to ensure existing and future safe navigation is not compromised or similar such assessment to ascertain suitable burial depths and cable laying techniques, including cable protection;”

As set out in section 2 above, this drafting does not reflect the Ports and MCA’s position on water depth and condition 4(1)(b)(v) should read:

*“a detailed cable laying and burial plan, incorporating a burial risk assessment encompassing the identification of any cable protection and associated development or ancillary work demonstrating how the undertaker will comply with the requirements of Requirement 17 and Condition 4(5), and details of any steps (to be determined following consultation with the MCA and Trinity House) to be taken to ensure existing and future safe navigation is not compromised or similar such assessment to ascertain suitable burial depths and cable laying techniques, including cable protection;”*

Additionally, in condition 4(1)(b) the Cable Specification Installation Plan should accord with the principles in the Outline Cable Specification Installation Plan.

- Condition 4(1)(g) regarding the NIP now has the correct title for this plan and there have been amendments to expand the details to be provided. The PLA has no objection to the additional detail to be provided but the NIP for the relevant stage must be in accordance with the principles set out in the outline navigation and installation plan. This would be consistent with the Schedule of ExA’s recommended amendments to the applicant’s dDCO [PD-024] in relation to the Schedule 3 requirements where it is stated that the word substantially adds ambiguity rather than clarity.
- Condition 4(6) the PLA note that the ExA in its Schedule of recommended amendments to the applicant’s dDCO [PD-024] proposes the following update:

*“(6) In undertaking the licensed activities, the undertaker must not reduce existing water depths ~~between KP 33 and KP 38~~ **in exceedance of the specified depths within the Areas of Safeguarded Water Depths** unless agreed with the MMO in writing in consultation with the MCA and Trinity House”.*

As set out in section 2 above, the PLA does not support this amendment. KP33 to KP38 are outside the Areas of Safeguarded Water Depth but the drafting needs to reflect the need for water depths in this area to remain as existing. Condition 4(6) should therefore remain *“In undertaking the licensed activities, the undertaker must not reduce existing water depths between KP33 and KP38 unless agreed with the MMO in writing in consultation with the MCA and Trinity House”.*

- Condition 12, the PLA acknowledge that the ExA in its Schedule of recommended amendments to the applicant's dDCO [PD-024] has proposed the following amendment:

*"(3) In undertaking activities under condition 12(2)(d), the undertaker must not reduce water depth by more than 5% and in Areas of Safeguarded Water Depth water depth must not be reduced in exceedance of the specified depths, unless agreed with the MMO in writing in consultation with the MCA."*

As set out in section 2 above, this drafting does not reflect the Ports and MCA's position on water depth and condition 12(3) should read:

*In undertaking activities under condition 12(2):*

*(i) within the Areas of Safeguarded Water Depths, the undertaker must not reduce existing water depths by more than 5% of navigable depth referenced to Chart Datum or below the depths required by Requirement 17 in Schedule 3 (whichever results in the greatest water depth); and*

*(ii) outside these areas, the undertaker may not reduce existing depths by more than 5% of navigable depth by reference to Chart Datum unless the MMO, the PLA, London Gateway Port Limited, MCA and Trinity House all agree to the additional reduction*

- The PLA at deadline 6 marked up a copy of the DML at Appendix 1 of REP6-140. The following changes continue to be sought by the PLA in addition to the points noted above:

- Condition 1(3)(d) the PLA would expect wording to be included at (d) that links back to the Areas of Safeguarded Water Depth Plan and the exclusion area for the Sea Link crossing with GridLink i.e *"No part of Work No.6, including any associated development or ancillary works, is to be installed within the Sea Link Exclusion Area as shown on the Areas of Safeguarded Water Depth Plan"*.

- We understand that London Gateway are proposing an amendment to 1(3)(d)(i) as follows:

*"If Work No.6 is installed first, the undertaker must install Work No. 6 at a depth that provides sufficient vertical clearance for the GridLink Interconnector Project cable(s) to be laid so that subsequent installation of the GridLink Interconnector would not preclude or impede the dredging of those parts of the Areas of Safeguarded Water Depth to the depth specified in Requirement 17 of Schedule 3 and but where the undertaker has provided*

*such sufficient vertical clearance the undertaker is not responsible for any failure by the GridLink Interconnector Project to meet the required depth protection caused by the subsequent installation of the GridLink Interconnector Project cable(s); and"*

The PLA support this change.

- Condition 4(1) changes:
      - the "a Cable Specification and Installation Plan document in respect of those licensed activities, which is in substantial accordance" - deletion of the word "substantial".
      - "An Offshore Construction Environment Management plan which is in substantial accordance with the principles set out in the outline Offshore Construction Environment Management Plan" - deletion of the word "substantial".
- Schedule 19 (Certified Documents) the "Areas of Safeguarded Water Depth Plan" is missing from the list of documents to be certified and this needs to be included and we note that the ExA has included this in its Schedule of Changes.

**9. Register of Environmental Commitments [REP6-135]**

*Section 1*

- 9.1 Section 1 contains actions and commitments that the undertaker will comply with during the construction, operation or decommissioning of the proposed project. There is no reference to compliance during maintenance. The addition of a reference to maintenance would be consistent with the terminology used in Requirement 17 of the dDCO which requires Work No. 6 including any associated development or ancillary works, located within the Areas of Interest to be "designed, installed, operated and maintained" at a level.
- 9.2 Commitments relating to the offshore scheme start on page 20. The PLA's outstanding comments on the Section 1 commitments are set out in the table below.

MPE05	In the REAC It is stated that depth of burial monitoring surveys are to be undertaken by the undertaker post installation. This commitment only relates to the construction phase. Part 4, Chapters 1 and 4 of the Environmental Statement are then referenced.
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	<p>However, the outline offshore CEMP [REP6-073] includes at table 1.6 reference to MPE05 and it states there that the oCSIP, the outline offshore CEMP and the outline in principle monitoring plan are the relevant plans. There seems no reason why the outline offshore CEMP cannot be referenced in the REAC (for example it is referenced in Section 1 in relation to MA15).</p> <p>No timescale is provided on when the survey(s) will take place and therefore this could presumably be undertaken at any point during the construction phase. The outline offshore CEMP also gives the impression of a further survey that is proposed 12 months after commissioning would also be secured through MPE05 along with the targeted surveys of areas where DoL hotspots are detected. However, it is not clear how MPE05 as currently drafted secures these additional surveys, particularly as a survey 12 months after commissioning would not be classed as the construction phase.</p>
SN11	Refers to the areas outlined in plate 3.1 of oNIP and as described in section 3.3. As set out above, the PLA remains of the opinion that concurrent RAM activity should not just relate to the Sunk and that section 3.3 of the oNIP should also prohibit concurrent RAM activities in the North East Spit and that this area should also be shown on plate 3.1
SN12	SN12 has been updated to refer back to the approach to RAM operations as outline in the oNIP. Whilst there is no in principle objection to this, Plate 3.1 of the oNIP does not extend to the North East Spit (see comments on concurrent RAM above).
SN19	Given the updates to the Measure Proposed, the Potential Changes and Effects needs updating so that it does not just refer to the Sunk.
SN20	Given the updates to the Measure Proposed, the Potential Changes and Effects needs updating so that it does not just refer to the Sunk.
SN22	The final wording of this commitment which concerns anticipated reductions in water depths greater than 5% needs to be clear that it does not apply to the Areas of Safeguarded Water Depth and that discussion is required with stakeholders and approval is required from the MMO in consultation with the MCA and Trinity House.

## Section 2

- 9.3 Section 2 provides a mitigation route map and it states at para 1.1.5 that its production reduces the risk of any commitments being missed at a later date. The PLA welcomes the inclusion at

deadline 6 of SN37 wet storage and understands that boulder relocation, archaeological relocation, freespans and trial trenching will be included within the REAC at deadline 7.

9.4 Commitments relating to the offshore scheme start on page 107. The PLA's outstanding comments on the section 2 commitments are set out in the table below but as a general point REAC commitments need to apply to all phases and all Areas of Safeguarded Water Depth – it would not be appropriate for as an example, Notice to Mariners, to be issued during the construction phase but not when maintenance works were being carried out.

GM01	The commitment must apply to all project phases.
GM02	GM02 has been updated to include reference to the Port Authorities being provided with as-built locations of the cable and external protection. This is welcomed. Whilst the securing mechanism is listed as Condition 4(1)(b) of the DML this is the Offshore CEMP. The PLA would suggest it's the PLA's protective provisions that secure the provision of as built.
GM04	The sensitive routeing and siting of infrastructure and temporary works is proposed and Schedule 1 of the DCO is referenced. This is the whole of the authorised development. It is still unclear how Schedule 1 results in sensitive routeing or siting. This is also at odds with the outline offshore CEMP which states in Table 1.5 that the oCSIP and outline offshore CEMP are the relevant plans to secure this commitment.
MPE02	The commitment should apply to all project phases.
SN01	SN01 need to apply to all project phases. There is a minor typo and the Remediation Clause (rather than the Remedial Clause) should be referenced.
SN02	The commitment should apply to all project phases.
SN03	The commitment should apply to all project phases.
SN04	Any commitment should apply to all project phases. The PLA notes that in the Statement of Common Ground with Trinity House [REP5-059] entry 3.3.9 states that they do not always consider buoys suitable mitigation for exposed cables as they would need to be placed very close to the cable to be effective and could create an additional hazard for surface navigation so discussions on this matter will be required.
SN29	The PLA has highlighted that the size of the recommended restricted zones 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 (see section 7 of REP5-177). The size of the zone should be subject to HAZOP once further details are known.
SN32	Whilst the updated wording is welcomed. Please see the comments on concurrent RAM activity and that it does not currently include the North East Spit Area.

SN34	The REAC states that <i>“where simultaneous operations do occur, the Project will have project vessel management procedures and planned protocols to minimize disruption and potential risks”</i> but this is only in relation to simultaneous RAMS. In order to reduce disturbance to shipping SN34 also needs to commit to the most effective method of cable laying in terms of speed and ability to achieve the required cable burial depth.
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**10. Concluding Remarks**

- 10.1 The PLA considers that good progress has been made over the course of the examination to address matters that relate to Shipping and Navigation. This deadline 7 response sets out the issues that remain outstanding at the last written deadline.
- 10.2 In relation to the critical issue of water depths, the PLA has set out what needs to be secured and drafting that would achieve this. To aid the ExA the drafting has been agreed with the MCA and London Gateway Port Limited and shared with the Applicant. The PLA, London Gateway Port Limited and the MCA recommended that it is adopted without further amendment.
- 10.3 For the final time the PLA has updated its table setting out how the PLA's concerns regarding the Sea Link application needed to be addressed:

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  Protective Provisions for the PLA  Certified Plan	Agreed but the DML must not permit the MMO to agree to depth changes that could be inconsistent with this absolute requirement  Agreed  Agreed
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  REAC	The oNIP will provide details of the vessel type for each operation and vessel speed, but there is no reference or commitment in the oNIP to determining the most effective vessel  SN34 of the REAC states that “where simultaneous operations do occur, the Project will have project vessel management procedures and planned protocols to minimize disruption and potential risks” but this is only in relation to simultaneous RAMS
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  Further information and controls required in relation to the Sea Link - GridLink crossing point to ensure that if Sea Link is	Design Requirement  Protective Provisions for the PLA  Certified Plan	Agreed  Agreed  Agreed

	installed first, Grid Link can still be brought forward and water depths safeguarded		
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  Protective Provisions for the PLA  Certified Plan	Agreed  Agreed  Agreed
Surveys and Monitoring  Trial Trenching	Consultation with the PLA prior to any surveys or monitoring taking place	Protective Provisions for the PLA  DML  oNIP	Survey, monitoring and trial trenching provisions agreed in protective provisions. Additional amendment agreed so the PLA will be consulted on a pre-commencement NIP  Excludes pre-construction surveys, trial trenching and monitoring from the definition of commence but contained within PLA protective provisions  oNIP contains no reference to trial trenching. Understood this will be added at deadline 7 to the oNIP and the REAC
Boulder relocation	Boulders / Debris cannot be displaced within or to the Areas of Interest and must be removed	oCSIP  REAC	Agreed  Understood this will be added to the REAC at deadline 7
Archaeology relocation	Archaeological relocation cannot occur within or to the Areas of Interest and must be removed	oCSIP  REAC	Agreed  Understood this will be added to the REAC at deadline 7
UXO relocation	The PLA must be consulted on any application for marine licensing for	oCSIP	Agreed

	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. The PLA must be notified of the final programme for any clearance of UXO within the Areas of Interest	Protective Provisions for the PLA	Agreed
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 Design Requirement Certified Plan	Agreed Agreed Agreed
Wet storage	Wet Storage of materials and/or equipment cannot occur within the Areas of Interest	oCSIP DML REAC	Agreed Agreed REAC commitment SN37 commits to no wet storage within the three Areas of Safeguarded Water Depth
Field joints	Planned field joints should not be located in the Areas of Interest	oCSIP DML REAC	Agreed Agreed REAC commitment SN20 commits to no planned cable joints in the three Areas of Safeguarded Water Depth
Freespan Clearance	There must be a clear commitment to no freespans over the Areas of Interest	oNIP REAC	Agreed Understood this will be added to the REAC at deadline 7

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	Agreed
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