PROPOSED SOUTH EAST ANGLIA LINK (SEA LINK) DEVELOPMENT CONSENT ORDER

PINS REFERENCE: EN020026

LONDON GATEWAY PORT LIMITED (LGPL) ([redacted]

RESPONSE TO SUPPLEMENTARY AGENDA ADDITIONAL QUESTIONS FOR ISSUE SPECIFIC HEARING [EV3-002]

Number	Subject	Response by	Question / Clarification	LGPL Comment / Response
Cumulative Impacts				
ISH1.01	Shipping and Navigation	Applicant	The shipping and navigation chapter 7 part 4 [APP-080] from paragraph 7.9.69 deals with the reduction in under-keel clearance. It acknowledges that this is an issue in particular locations including the Sunk but there is no clear assessment of baseline conditions in terms of depths below chart datum along the cable route or a clear conclusion as to the effect. The chapter [APP-080] states in paragraph 7.9.75 that the aim will be for the cable to be located in the deepest waters possible through the Sunk to avoid reduction to water depth. Provide a clear baseline for areas where sea depth is critical to shipping.	Present baseline depths are shown on the relevant Admiralty Chart which provides the baseline mapping for [**APP-283**]. LGPL assumes the Applicant will provide a better resolution version of the chart at Deadline 1A. LGPL has powers under the London Gateway Port Harbour Empowerment Order 2008 (HEO) to dredge the channel out to the Sunk to the depths specified in Schedule 3 to the HEO. The areas that those powers relate to are shown on the 2 plans attached as an **appendix** to this Response. In the area of the Sunk, LGPL may maintain a dredged depth of 17.5 metres below chart datum (CD) (16.5m under Schedule 3, plus up to 1m of deviation under article 14(3) of the HEO. However, LGPL wishes to emphasise that its concerns, as set out in its Written Representations, are in relation not only to maintaining existing under-keel clearance, but also being able to dredge to a depth required for future vessel sizes, generally accepted to require a draught of 20m below CD. This requires a dredge depth of 22.5m below CD in the Sunk area. LGPL's Written Representations set out the other areas, affected by the dDCO, that are critical to shipping accessing London Gateway Port, namely the Sunk, North-East Spit and Long Sand Head.
ISH1.02	Shipping and Navigation	Applicant	Paragraph 9.9.2 of the other sea users chapter 9 part 4 [APP-082] states that where burial of the cable cannot be achieved, rock backfill or external protection will be required where soil or rock conditions are too hard to achieve effective burial, or third party assets cross the route. Expected areas of rock backfill are located between KP38 to KP58 and KP81.5 to KP96.5. On this basis, the first area roughly coincides with the Sunk. The second area coincides with the North East Spit. These areas include anchorages and pilot boarding stations as well as having a high vessel track density, as shown for example on Figure 6.4.4.7.A 10 [APP-283]. Has this information been carried across to chapter 9 as it shows that cables may not be buried in these areas. If not, why not?	LGPL has set out in its Written Representations its concerns with the Applicant's assessment on matters of navigation and there are noted inconsistencies as this question highlights. LGPL's position is that in the areas specified (Sunk, North-East Spit and Long Sand Head) there may be no cable laying or cable protection techniques other than burial and that burial must be below the depths specified. LGPL will seek these provisions in the dDCO by way of requirement, conditions on the draft marine licence and / or protective provisions as set out in the Written Representations. Following discussions with the Applicant, LGPL understands that the Applicant is not against the necessary provisions in principle.

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ISH1.03	Shipping and Navigation	Applicant	Chapter 9 [APP-082] table 9.12 indicates future developments that would have cable crossings in the study area. Five Estuaries, NeuConnect and North Falls are all planned to cross between KP50 and KP54. This is also within the Sunk. The proposed development design as set out in [APP-037] indicates that where cables cannot be buried they would be covered in rock berms, to a height of 1 metre. Where cables cross over unburied assets it would result in a reduction in under-keel clearance of in excess of 1 metre, with the use of a mattress over the unburied asset, followed by a rock berm over the new cable. Can the applicant confirm that the reduction in depth due to cable crossings could be in excess of 1 metre? In the context of the baseline depths below chart datum, what would be the effect of the development on depths within the Sunk area, including cumulatively with existing and proposed cable routes, in situations where they cannot be buried?	As above, LGPL's position is that in the areas specified (Sunk, North-East Spit and Long Sand Head) there may be no cable laying or cable protection techniques other than burial and that burial must be below the depths specified. Consequently, the works under the dDCO must be carried out to ensure that there are no crossing points within these specified areas.
ISH1.04	Shipping and Navigation	Applicant	Chapter 7 [APP-080] states in paragraph 7.9.80 that reductions greater than 5% will be discussed with the harbour authorities and the Maritime and Coastguard Agency (MCA), but the MCA has said that less than 5% reduction in under-keel clearance could still be a problem for the larger vessels. If there is a reduction in under-keel clearance that would affect the ability of large vessels to access the ports have you considered what the implications are for those ports? Provide more precise assessment of the effects of a reduction in under-keel clearance on shipping through important routes such as the Sunk. What is the basis for concluding that this would not result in a likely significant effect for shipping and navigation, particularly in terms of access to ports by the largest vessels, when considered cumulatively with other planned cable crossings?	As LGPL has set out in its Written Representations, the Applicant has considered the effect of the works only from the perspective of presenting a danger to navigation, which essentially will be mitigated by communicating the relevant hazards / depth reductions on the relevant charts and by notifications to the MCA and harbour authorities. However, this misses the point – the effect of such notifications will simply be to prevent larger vessels from seeking to use the channels, which will of course mitigate navigational risk, but would have a material adverse effect on the ability of vessels to reach the ports, such as London Gateway Port. The effects of that from a transport or socio-economic perspective have not been assessed. The impact on London Gateway Port and the flow of goods into GB would certainly be significant. For that reason, the effect must be avoided by the inclusion of the protections in the dDCO that LGPL seeks.
ISH1.05	Shipping and Navigation	Applicant	If there are likely significant effects in relation to the reduction in under-keel clearance, both as an individual project and cumulatively, how could this be mitigated?	See above.
ISH1.06	Shipping and Navigation	MCA/Port of London Authority/Harwich Haven Authority/London Gateway Port Ltd	Do you have baseline information for the depth below chart datum across the Sunk and other important shipping routes on the proposed cable route? If so, please provide a summary of the information to the ExA.	Please see comment above in relation to ISH1.01. In addition, LGPL adopts the descriptions of the baseline information set out in the Written Representations of the Port of London Authority. Subject to that, in summary: • **Sunk Pilot Station -** the main pilot station used by LGW is the Sunk this is due to the depth of water available. Vessels bound for/ from LGW then transit either via the Trinity or Sunk Deep Water Routes. Current charted depths in the area range from around -16m to -20m CD with Ruling Depths of circa -16m CD; • **North East Spit -** Pilot stations close due to weather, and it is vital for LGW to have the North East Spit stations as an alternative to the Sunk in such instances. In addition, for vessels transiting up the English Channel the North East Spit offers safe pilotage with little or no deviation. Vessels

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				bound for LGW regularly used the North East Spit Pilot stations with vessels then transiting from the Pilot station via the Prices Channel, Trinity Deep Water Route or Sunk Deep Water Route to LGW. For these routes to remain viable a depth of -12.5 m CD is required. Current charted depths in the area range from around -8.5m to -12.5m CD with Ruling Depths of around -9.5m CD. To reiterate, LGPL's concerns, as set out in its Written Representations, are in relation not only to maintaining existing under-keel clearance, but also being able to dredge to a depth required for future vessel sizes.
ISH1.07	Shipping and Navigation	MCA/Port of London Authority/Harwich Haven Authority/London Gateway Port Ltd	What would be the effects of a reduction in under keel clearance below 22 metres in the Sunk or other key areas for large vessel traffic to ports?	Please see paras 2.16 to 2.18 and section 4 of LGPL's Written Representations. Essentially, deeper draught vessels will be precluded from accessing the Port / any ports within the Thames estuary. There would be an increased risk of collision for very large vessels if they are required to manoeuvre for boarding and landing within a more restricted area. London Gateway port presently handles 3.1m TEU of the UK's 9.1m container throughput. It also handles 54% of the UK's refrigerated container imports. If deeper draught vessels are precluded from calling at London Gateway Port (and also by virtue of the proposed scheme to the Port of Felixstowe), vessels would no longer call at London Gateway Port (or the UK in general) but would reroute to elsewhere in Europe – there would not be capacity elsewhere in the UK for them to reroute to. Goods would have to be transhipped or moved to land-based freight to return to the UK. This would result in increased freight costs for goods imported to the UK. It would also of course adversely affect incomes at the UK ports.
ISH1.08	Commercial Fisheries	Applicant	[APP-081] – Table 8.15 identifies that there is a moderate adverse likely significant effect on static gear fishing through the effects of temporary loss and alteration of fishing grounds during construction. Table 8.20 identifies that there would be a moderate adverse likely significant effect through displacement of fishing activities with drift and fixed nets during operation. The proposed mitigation is not clear in paragraph 8.10.2. What is being proposed? The mitigation is also referred to in part 5, chapter 3 summary of likely significant effects [APP-087] for commercial fisheries on pages 48-49. There is no provision for compensation for lost access to fishing grounds in 7.5.3.2 CEMP Appendix B Register of Environmental Actions and Commitments [APP-342]. There is therefore a residual significant effect in terms of loss of fishing grounds during construction and operation. Taking this forward to the cumulative assessment in table 11.24 of 6.2.4.11 part 4 marine chapter 11 inter-project cumulative effects [APP-084], it is not clear how there is a conclusion of minor significance of effect with no significant cumulative effect when there is no secured mitigation for the moderate significant effects that have been identified.	No comment.

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ISH1.09	Commercial Fisheries	Applicant	Possible erratum - conclusions in table 8.25 [APP-081] do not align with the generic significance description in table 8.10 and do not match the summary in part 5 combined chapter 3 pages 48-49 – for example minor adverse significant effects are identified in [APP-087] in relation to loss and alteration of fishing grounds on static gear fisheries but table 8.10 of [APP-081] states that minor adverse is not significant and table 8.25 of [APP-081] does not identify that any minor adverse effects are significant. Paragraph 8.13.3 states that no significant effects on any commercial fisheries receptors are to be expected in UK waters. These conclusions are inconsistent with each other.	No comment.
ISH1.10	Commercial Fisheries	Applicant	Possible erratum - findings for table 8.22 in [APP-081] have not been carried across to table 8.25 [APP-081] for static gear – minor effects not shown.	No comment.
ISH1.11	Commercial Fisheries	Applicant	Possible erratum - Decommissioning phase in paragraph 8.9.127 to 8.9.136 [APP-081] concludes that the significance to potters is moderate and to all other commercial fisheries is minor. Table 8.25 records this as negligible.	No comment.
ISH1.12	Commercial Fisheries	Applicant	Possible erratum - [APP-081] para 8.9.105 refers to obstruction of navigation routes but table 8.22 relates to loss or damage to fishing gear.	No comment.
Trenchless landfalls				
ISH1.13	Nemo Link	Applicant	The ExA is seeking to understand the differences between National Grid Ventures' (NGV) Nemo Link and the National Grid Electricity Transmission (NGET) Sea Link project. Can the applicant provide a brief explanation of the Nemo Link works in Pegwell Bay, including the date that these were undertaken, an approximate programme of works, the methods of cable laying and the number of cables involved?	No comment.
ISH1.14	Nemo Link	Applicant	Provide an explanation of the consented mitigation approach for the Nemo Link open cut trench.	No comment.
ISH1.15	Nemo Link	Applicant, Thanet District Council	Are you aware of any ongoing mitigation or monitoring activities by NGV in respect of Nemo Link?	No comment.
ISH1.16	Nemo Link	Applicant, Thanet District Council	If there are no ongoing NGV measures, is there any additional mitigation or biodiversity net gain measure that you consider could be provided by Sea Link to help mitigate the residual Nemo Link 'scar'?	No comment.

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ISH1.17	Access to the intertidal area in Pegwell Bay	Applicant	Environmental Statement (ES) part 3, chapter 2, paragraph 2.7.47 [AS-047] highlights that the hoverport site is suitable for reptiles. It states that "*This area was included within the Order Limits too late to be included in reptile survey, but since the former hoverport will only be used for operational monitoring and maintenance access no civil engineering highway works are planned; rather the existing track and hardstanding areas will be used*." Paragraph 2.7.53 [AS-047] explains that the hoverport supports rare invertebrates with protection under Schedule 5 of the Wildlife and Countryside Act 1981 (fiery clearwing and the Sussex Emerald) but was unable to be surveyed. Relevant representations highlight that invasive non-native species (INNS) and orchids are also present within the site. The ExA noted during its USI [EV-001] that the hoverport is relatively overgrown. Can the applicant confirm that a route exists to the intertidal area that would not require vegetation clearance, which has potential implications for reptiles, invertebrates, spread of INNS and orchids?	No comment.
ISH1.18	Works in the intertidal area	Applicant	Explain at what point/position the proposed marine works transition from intertidal works done at low tide to being works undertaken by vessels?	No comment.
ISH1.19	Horizontal directional drilling (HDD)	Applicant	Confirm whether there would be any residual hard standing within Pegwell Bay in operation once HDD works are completed? If so, explain its extent.	No comment.
ISH1.20	HDD	Applicant	ES marine chapter 5, table 5.16 [AS-115] explains that HDD works will last approximately 120 days with 24/7 drilling. The activities outlined in paragraph 5.9.24 do not appear to add up to 120 days. 19 days per duct x 4 = 76 days, up to 16 days for 4 coffer dams. 76+16 = 92. Cable pull = 2 consecutive 12 hour shifts and 12 hours for 4 days. = 96 days. Assuming that this calculation is correct, please explain what the additional 24 days are for.	No comment.
ISH1.21	HDD	Applicant	The ES uses 60dB L_{Amax} to assess effects on bird species. Paragraph 5.9.32 and footnote 6 of ES marine chapter 5 [AS-115] explain that this is based on an average piling noise level (91dB@10m). Can the applicant explain why using an average noise level is an appropriate worst case assessment rather than using the maximum sound level of 104dB L_{Amax}?	No comment.
ISH1.22	HDD	Applicant	Provide a plan(s) showing the potential layout of the HDD reception facility or facilities within Pegwell Bay at 105 and 140m from saltmarsh. The plan(s) should include a 60dB L_{Amax} buffer for the worst-case noise level predicted ie 104dB@10m. When providing the figure – also provide updates to table 7.1 and 7.2 of the Habitats Regulations Assessment (HRA) using this worst-case figure. Provide a brief explanation of how the facility might differ for different trenchless solutions.	No comment.
ISH1.23	HDD	Applicant	The construction plant schedule [APP-90] for the landside HDD construction compound assumes that a JT60 drilling rig would operate for the purposes of the noise impact assessment. Can you provide any information on this rig to	No comment.

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			demonstrate that it is capable of undertaking the proposed HDD works and provides a representative basis for assessment?	
ISH1.24	Additional ducts	Applicant	A number of relevant representations (e.g. Bird Wise East Kent) have suggested that additional ducts should be provided for in the scheme, to avoid future construction disturbance. Is this something that the applicant has or would consider?	No comment.
ISH1.25	Bentonite discharge	Applicant	ES marine chapter 1 [AS-113] indicates that over 7,000m^3 of bentonite mud would be released into the water column by HDD works. Can you explain how this release would occur? i.e. is it rapid, progressive, etc? Is there a way to recycle rather than discharge the material?	No comment.
ISH1.26	Coralline Crag	Applicant	At present there is optionality in the assessment for the exit pit location to be located either to the east or west of the Coralline Crag (e.g. figure at appendix A of the Design Development Report [APP-321]). Given the proximity of the longest exit pit to the Coralline Crag, explain what the impact of the construction, operation and dismantling of the coffer dam would be on the Coralline Crag?	No comment.
ISH1.27	Coralline Crag	Applicant	The ES [AS-113] recommends that pre-cut trenches in the Coralline Crag should not be used and instead cables protection should be employed. Explain whether the ES consideration of scour effects includes consideration of the operational impact of placing cable protection material on the Coralline Crag.	No comment.
Reporting of significant effects				
ISH1.28	Chapter 2 ecology and biodiversity (Suffolk) [APP-049]	Applicant	Significance tables do not fully align with the chapter text. For example, in table 2.10 for habitats (p101) and ornithology (p102) effects are reported as medium-term but are short to medium-term in the chapter text. Badger and other mammals (p106) does not reference effects on hedgehog as a district level sensitivity receptor, which are reported in the chapter. Reptiles are referred to as being of local importance (p108) but are district level importance in the text. Some effects reported in the table are not stated in the text e.g. invasive species/aquatic macrophytes conclusions (p109). A minor adverse impact on receptor of national importance (flora) as described paragraph 2.9.48 is not reported in table 2.10. The ExA notes that some consistency issues are present in the Kent chapter as well – both sets of summary tables should be checked for consistency/accuracy and amended versions provided.	No comment.
ISH1.29	Habitats Regulations Assessment [AS-007]	Applicant	Provide a summary table of all European sites and qualifying features and each pathway of effect considered at each HRA Stage (screening, assessment of adverse effects on integrity), for each phase of the proposed development (construction, operation, and decommissioning, as relevant). In providing this table, please take account of comments raised in Natural England's combined relevant representation and written representation regarding the accuracy of the description of sites (e.g. qualifying features and conservation objectives). Please ensure that in preparing this table, Ramsar sites and features are clearly separated from the	No comment.

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			equivalent Special Protection Area (SPA) sites and features. To be submitted by deadline 2 Tuesday 9 December 2025.	
Errata and other matters				
ISH1.30	Various	Applicant	• ES part 2, chapter 8 para 8.6.2 [APP-055] explains that a 250m dust study area was recommended by NE for ecological effects. ES part 2, chapter 2, paragraph 2.9.16 [APP-049] refers to a precautionary 200m study area. Confirm which study area was adopted and update this and similar references in part 2 where relevant. • Paragraph 2.7.31 [AS-047] incomplete sentence "conclusive evidence of dormouse was found during the surveys of the proposed Kent Onshore Scheme." • Possible errata. Table 2.13 [AS-047] summarises ornithology effects on p119 as reported in paragraphs 2.9.216 to 2.9.219. Regional (non-breeding) sensitivity is highlighted but the adjacent impact column states moderate adverse in the medium-term due to nesting habitat loss. Should this read 'Regional (breeding)'. • In plate 1.1, plate 1.4, plate 1.8 and plate 1.9 of the Kent wintering bird survey report 2022-2023 [AS-097], notable bird species names are missing for every alternative bird species. Reprovide these figures so that all bird names can be read. Similar issues have been noted in other bird survey reports (e.g. [AS-097], [APP-149], [APP-150], [APP-151], also the numbers presented in Plate 1.2 of the vantage point survey report [APP-152] are not legible). Check all bird survey reports for Kent and Suffolk for this issue and reprovide where necessary. Please take account of potential errata noted by CPRE Kent on bird surveys. • Paragraph 1.5.16 [APP-152] states in respect of heron that "The number of flights recorded however requires review in a future assessment due to a relatively large overall number of flights occurring within the at-risk height band". Confirm what additional assessment for heron has been undertaken or is required to be secured. • ES marine chapter 1, paragraph 1.7.129 states "Overall, concentration levels from within the survey area were and were not observed at levels that are of concern." Confirm whether this is the intended wording? • Water Framework Directive Assessment [APP-293] paragraph numbering restarts at paragraph 4.2.32. • Whilst citations have been summarised in section 3.8 of the HRA [AS-007], full citations have only been provided for certain Ramsar and Special Protection Area (SPA) sites within Appendix B of the HRA - the citations for all sites referenced in the text should be provided (eg Alde	• No comment.

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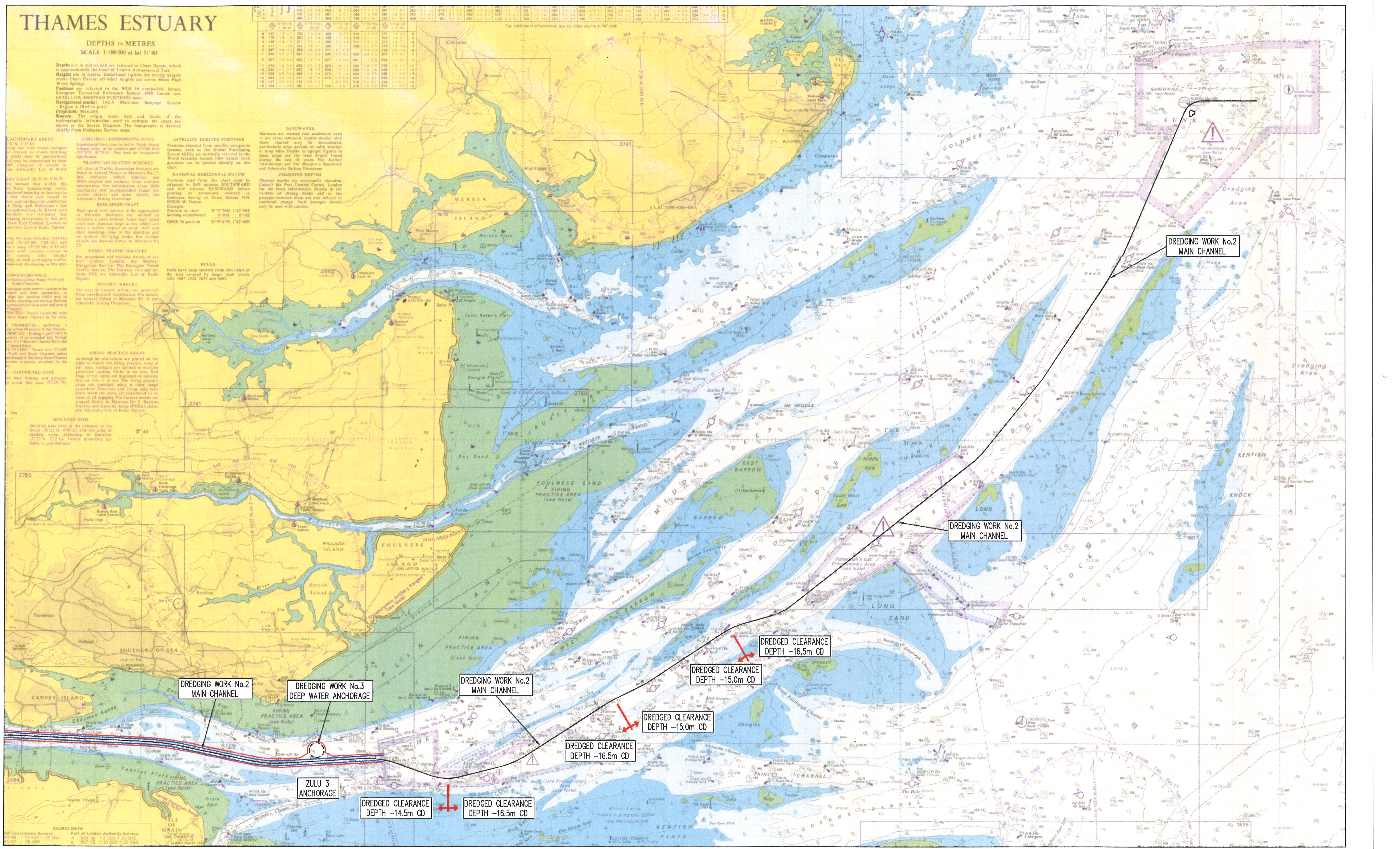
			Ore Estuary, Minsmere and Walberswick, Stodmarsh and Thanet Coast and Sandwich Bay SPAs). Please also check that the correct features are listed throughout the HRA (eg for Stodmarsh SPA). • Totals in table Ex 1.1 and 1.2 of the biodiversity net gain (BNG) report [AS-055] do not consistently sum to the values in the overarching table Ex 1.3 (e.g. area units). Check all of the values and update as necessary. The ExA notes that SEAS relevant representation also highlights errors in presentation of data that should be addressed, where relevant. • Provide a copy of the biodiversity metric calculation spreadsheet.	

APPENDIX



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THURROCK,
IN THE COUNTY OF ESSEX

NOTES

1. DREDGING DEPTHS AND LOCATIONS ARE SHOWN FOR INDICATIVE PURPOSES ONLY
2. ALL CO-ORDINATES ARE IN METRES AND REFER TO NATIONAL GRID
3. CHANNEL TO BE 300m WIDE DREDGED TO DEPTHS OF -14.5m, -15.0m AND -16.5mCD AS INDICATED IN PLAN AND TO FOLLOW EXISTING CHARTED CHANNEL THROUGH THE OAZE DEEP, KNOCK JOHN, BLACK DEEP AND THE SUNK WHICH IS SHOWN INDICATIVELY ON THE PLAN
4. CHANNEL CENTRLINE IS ILLUSTRATIVE

KEY

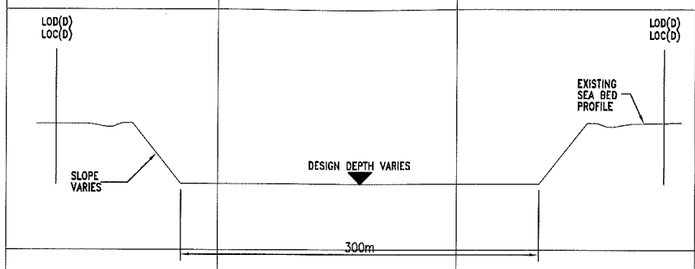
- LIMIT OF DEVIATION (DREDGING)
- LIMIT OF CONSTRUCTION ACTIVITY (DREDGING)
- CENTRE LINE OF CHARTED CHANNEL AS AT 17th FEBRUARY 2005
- WORK BOUNDARY

DEPARTMENT FOR TRANSPORT
LONDON GATEWAY PORT
HARBOUR EMPOWERMENT ORDER 2008

PROPOSED NAVIGATION CHANNEL 3

SHEET 213

REV C	APRIL 2008	DRAWING NO. 213



TYPICAL SECTION THROUGH CHANNEL

HORIZONTAL SCALE - 1:2,500
VERTICAL SCALE - 1:200

600000 E
620000 E
630000 E
640000 E
650000 E
230000 N
220000 N
210000 N
200000 N
190000 N
180000 N
570000 E
580000 E
590000 E

WALTON-ON-THE-NAZE
FRINTON-ON-SEA
BRIGHTLINGSEA
CLACTON-ON-SEA
WEST MERSEA
MALDON
RIVER BLACKWATER
BURNHAM-ON-CROUCH
RIVER CROUCH
FOULNESS ISLAND
SOUTHEND-ON-SEA
BENFLEET CREEK
CANVEY ISLAND
LONDON GATEWAY
LOD(D) & LOC(D)
ZULU 3 ANCHORAGE
DREDGED CLEARANCE
DEPTH -16.0m CD
YANTLET CHANNEL
LOD(D)
LOC(D)
RIVER THAMES
LOD(D) & LOC(D)
TILBURY
GRAVESEND
RIVER MEDWAY
DREDGED CLEARANCE
DEPTH -14.5m CD
DREDGED CLEARANCE
DEPTH -15.0m CD
DREDGED CLEARANCE
DEPTH -16.5m CD
DREDGED CLEARANCE
DEPTH -16.5m CD
BARROW DEEP
KNOCK JOHN CHANNEL
EDINBURGH CHANNEL
OAZE DEEP
PRINCES CHANNEL
SEAWARD LIMIT OF PORT
OF LONDON AUTHORITY
THE SUNK
BLACK DEEP
FISHERMAN'S GAT
CENTRE LINE OF
EXISTING CHARTED
CHANNEL
MARGATE
5,000
10,000
15,000
20,000
25,000
30,000
35,000
40,000
45,000
50,000
55,000
60,000
70,000
75,000
80,000
85,000
90,000
95,000

10000m 5000m 4000m 3000m 2000m 1000m 0m 5000m

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KEY

LOD (D) INDICATES LIMIT OF DEVIATION FOR DREDGING WORKS
LOC (D) INDICATES LIMIT OF CONSTRUCTION ACTIVITIES FOR DREDGING WORKS

DEPARTMENT FOR TRANSPORT
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HARBOUR EMPOWERMENT ORDER 2008

LIMIT OF DEVIATION FOR DREDGING WORKS

SHEET 206

REV C	APRIL 2008	DRAWING NO. 206