

**DATE: 8 JANUARY 2026**

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**THE SEA LINK PROJECT  
RESPONSE TO WRITTEN QUESTIONS OF THE EXAMINING AUTHORITY**

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### **RESPONSE TO WRITTEN QUESTIONS OF THE EXAMINING AUTHORITY**

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#### **1. INTRODUCTION**

- 1.1 We act for Southern Gas Networks Plc (“SGN”).
- 1.2 We refer the Examining Authority to our Written Representation dated 18 November 2025 which sets out our client’s full position in respect of the project.
- 1.3 The Examining Authority’s first written questions and requests for information (Reference ExA1) asked at question 1GEN39 for the Applicant to explain the implications of the inclusion of paragraphs (2) to (4) to Article 44 of the draft Order, and for statutory undertakers to also provide comment. SGN’s response as statutory undertaker to this question is below.

#### **2. SGN’S RESPONSE TO ENQUIRY 1GEN39**

- 2.1 As acknowledged by the Applicant itself, Article 44 departs from the model DCO provisions by adding paragraphs (2)–(4), which purport to apply sections 271–274 of the Town and Country Planning Act (“TCPA”) 1990 (and associated consequential/compensation provisions). The effect of this, amongst other things, is that the Undertaker (as defined in the draft Order) could use TCPA powers to extinguish rights or affect or reposition SGN’s apparatus which falls outside of the draft Order limits.
- 2.2 It is not clear why the Applicant has included these provisions, and we do not agree with the explanation provided to date in the Explanatory Memorandum. As such, we cannot see any justification for introducing powers to extinguish rights over apparatus which falls outside the draft Order limits.
- 2.3 The Explanatory Memorandum states that these paragraphs allow for the notification process in the TCPA 1990 to apply. However, the actual TCPA provisions go further than a pure notification process, and weaken SGN’s protections in the proposed Protective Provisions (“PPs”) which we are negotiating on their behalf. As worded currently, only Article 44(1) is made subject to Schedule 15 of the draft Order and, by reference, to the PPs.
- 2.4 Inclusion of paragraphs (2) to (4) would therefore have the effect of subverting the PPs, with two different processes for dealing with rights and apparatus running in parallel. Any interference with SGN’s apparatus (including off-route diversions and impacts of all works carried out pursuant to the Order) should be governed by the PPs—not by a parallel TCPA route.
- 2.5 For example, the PPs require that alternative apparatus is constructed and brought into operation to SGN’s reasonable satisfaction, with necessary rights and access in place, before any removal of existing apparatus. These protections are crucial and must be maintained.

- 2.6 It is also relevant that these paragraphs appeared at application stage in the draft National Grid (Bramford to Twinstead Reinforcement) Order but were omitted by the Secretary of State in the made Order. SGN suggests that the same precedent is followed and invites the same outcome here, such that Articles 44(2)–(4) are removed in their entirety.

**CMS Cameron McKenna Nabarro Olswang LLP**  
**08 January 2026**