

THE INFRASTRUCTURE PLANNING (EXAMINATIONS PROCEDURE) RULES 2010

SOUTH EAST ANGLIA LINK (SEA LINK) DEVELOPMENT CONSENT ORDER

PINS REFERENCE: EN020026

DEADLINE 5 SUBMISSION

LONDON GATEWAY PORT LIMITED

(IP REF: [REDACTED])



1 INTRODUCTION

- 1.1 This submission sets out London Gateway Port Limited's (LGPL) position in relation to the proposed South East Anglia (Sea Link) Development Consent Order (DCO) at Deadline 5.
- 1.2 To avoid submitting repetitive and lengthy responses to all of the information provided by the Applicant at Deadline 4, bearing in mind there has not been material development of the issues, this submission focuses on the key matters, namely:
- (a) The necessity of securing the required depths within the Areas of Interest by means of a DCO Requirement.
 - (b) Inconsistencies in:
 - (i) the information submitted by the Applicant to the Examination; and
 - (ii) the information submitted to the Examination and the assurances provided by the Applicant to LGPL during a meeting held in February 2026.
 - (c) Other matters, including:
 - (i) the need for approval rights over documents and plans to be submitted to the Marine Management Organisation (MMO); and
 - (ii) policy compliance and the adequacy of the Applicant's socioeconomic assessment.

2 DCO REQUIREMENT TO SECURE WATER DEPTHS

- 2.1 LGPL understands from a meeting held on 19 February 2026 between the Applicant and the Ports with an interest in the Application that the Applicant is, in principle, committed to securing the depths requested by LGPL and the PLA. However, the position of the Applicant as to how that should be done remains unclear or uncertain - the information submitted by the Applicant is inconsistent with regards its approach to securing water depths in the Areas of Interest (see details of this inconsistency below),
- 2.2 LGPL has maintained throughout the Examination that the depths within the Areas of Interest should be secured by way of a DCO Requirement rather than pursuant to a condition of the deemed marine licence (DML) or under Protective Provisions. This is because the requirement not to preclude the specified dredge depth is a fundamental parameter to, or restriction on, the carrying out of the authorised development – it is in a sense akin to an upwards limit of deviation. It is for the Order itself to specify such a restriction – this is in accordance with the *Guidance on the content of a Development Consent Order required for a Nationally Significant Infrastructure Project* [Paragraph 003, Reference ID 04-003-20240430 and Paragraph 008, Reference ID 04-008-20240430] and would follow accepted practice across other development consent orders and harbour orders under the Harbours Act 1964. It is also consistent with the Five Estuaries Offshore Wind Farm Order 2025 (Requirement 2(3) of Schedule 2 to that Order).
- 2.3 LGPL reiterated this position to the Applicant during the meeting on 19 February 2026 and, for the Applicant's assistance, provided the Applicant's solicitors with a paper on 17 February 2026 containing a suggested draft DCO Requirement (also included at Appendix 1 of this submission). However, no response on that approach or drafting has been received to date.

2.4 As the Examination has now reached Deadline 5, LGPL is disappointed that this issue remains unresolved, particularly given LGPL’s understanding that the need to secure the depths is agreed in principle. LGPL considers it is incurring unnecessary costs attempting to resolve a matter that should not be in dispute. With limited time remaining in the Examination, LGPL is increasingly concerned that the issue may not be resolved before the Examination closes and hopes this is not intentional on the part of the Applicant.

2.5 The Applicant appears to raise a concern about the use of a Requirement - we refer to Table 10.1 of Document 9.86 (B) Applicant’s Comments on Other Submissions Received at Deadlines 3 and 3A (Clean) [REP4-241] where the Applicant purports to analyse the operation of a DCO Requirement:

“[...]

Such a DCO Requirement would need a discharging authority and clear mechanisms to discharge the Requirement (or confirm compliance). Given the Areas of Safeguarded Water Depth are located offshore, there is no relevant planning authority with an existing regulatory scheme so the Requirement would need to be tailored to set out these elements in full. The discharging authority could be one of several parties with overlapping interests (including the PLA, MCA or LGPL) but because only one party can be the discharging authority (with others potentially as ‘Requirement Consultees’), the Applicant would expect this Authority to be the MMO.

[...]” (our emphasis)

2.6 From this, we note that the Applicant appears to have misunderstood the operation of the proposed DCO Requirement. There would be no need for any application to discharge the Requirement, and therefore no discharging authority to which such an application could be made. Instead, the Applicant would be under a continuing obligation to comply with the Requirement. Failure to maintain the necessary depths (including the over-dredge tolerance) in the Areas of Interest would constitute a breach of the DCO. The proposed Requirement is analogous to a compliance or ongoing planning condition meaning it imposes a continuing obligation with which the Applicant must comply, without the need for any application, but it remains enforceable if breached. For example, one would not expect to seek confirmation from a local planning authority that a building had not been build in excess of a height restriction set by planning condition. Any such concern about the Requirement in this relation is misconceived.

3 INCONSISTENCY OF INFORMATION

3.1 As noted above, there are inconsistencies in the information submitted by the Applicant to the Examination. As a result, despite the Applicant’s stated commitment to LGPL at the meeting which took place on 19 February 2026 with regards securing the necessary depths at the Sunk, Long Sand Head, and North East Spit, it remains unclear from the documents provided: (i) whether the Applicant is in fact committed to securing the specific depths requested by LGPL and the Port of London Authority within the Areas of Interest; and (ii) what method the Applicant proposes to use to secure these depths (i.e. DCO Requirement or under the DML or pursuant to Protective Provisions).

3.2 We have set out below some examples of those inconsistencies:

Extent of the Commitment to securing depths

- (a) Paragraph 7.9.85 of 6.2.4.7 (C) Environmental Statement Part 4 Marine Chapter 7 Shipping and Navigation (Tracked) [REP4-036] where the Applicant advises it “agrees

in principle to safeguarding the specified water depths in the majority of these three areas.” (our emphasis)

- (b) This is repeated at paragraph 5.3.7 of 9.94 (A) Planning Statement Addendum [REP4-092].
- (c) Paragraph 7.9.89 of Chapter 7 of the ES [REP4-036] where the Applicant acknowledges the PLA has identified areas where depths are to be preserved, but then goes on to recommend “*London Gateway Port and the Port of London Authority are kept informed of seabed hazards, any reductions in under-keel clearance in key areas, and changes as they develop.*” (our emphasis)
- (d) Paragraph 7.9.89 of Chapter 7 is repeated at paragraph 7.6.83 of 6.3.4.7.A (C) Environmental Statement Appendix 4.7.A Navigational Risk Assessment (Tracked) [REP4-048].
- (e) Paragraph 5.3.11 of 9.94 (A) Planning Statement Addendum [REP4-092] where it is stated: “To address the concerns of port authorities, an engineering review is being undertaken to inform the Project’s intention to agree Areas of Safeguarded Depth and ensure that such a commitment is practicable.” (our emphasis)
- (f) LGPL considers these inconsistencies (and indeed, inconsistencies across all documents submitted to the Examination) should be corrected and submitted to the Examining Authority to make it clear the Applicant is committed to securing the requested depths at the Areas of Interest.

Method of securing depths

- (g) The Applicant’s proposed approach to securing depths is inconsistent across the information it has submitted to the Examination.
- (h) Paragraph 7.8.91 of 6.2.4.7 (C) Environmental Statement Part 4 Marine Chapter 7 Shipping and Navigation (Tracked) [REP4-036] the Applicant states: “*The Applicant agrees with the PLA’s Areas of Safeguarded Depth, and is working to secure this via a Requirement in the DCO in order to preserve the specific dredge depths in the three key areas and meet the port stakeholders’ requirement that future ports expansion is therefore not impacted*” (our emphasis).
- (i) Paragraph 7.6.81 and 7.6.82 of 6.3.4.7.A (C) Environmental Statement Appendix 4.7.A Navigational Risk Assessment (Tracked) [REP4-048] the Applicant indicates it is working to secure the safeguarded areas in the DCO and/or the DML.

3.3 LGPL considers that these inconsistencies regarding the method of securing the water depths should be addressed by the Applicant. LGPL requests that the Applicant updates the submitted information to confirm unequivocally that the depths will be secured by way of a Requirement in the DCO.

4 OTHER MATTERS

Approval rights

4.1 The level of detail provided in the following plans is currently either insufficient or permits deviation from specified requirements. For example, the CSIP, which the Applicant confirms in its Comments on other submissions received at Deadline 3 and 3A [REP4-241], will only be

prepared in “general accordance” with the oCSIP. Given this very vague level of commitment, LGPL needs to protect its interests by requiring rights to approve these plans, to be secured by way of a condition in the deemed marine licence (DML), prior to their submission to the Marine Management Organisation (MMO):

- (a) oCSIP [REP4-090];
- (b) Outline Navigation and Installation Plan (oNIP) [REP4-075] (and the Vessel Management Plan should it not form part of the oNIP); and
- (c) Outline Offshore Construction Environmental Management Plan [REP4-223].

Cable Crossings and Cable Joints

- 4.2 The DML should include a condition that there will be no cable joints or wet storage areas in the Areas of Interest. A condition should also be included providing will be no cable crossings at the Sunk or Long Sand Head and any crossing at North East Spit will be at the deepest part possible and so as not to preclude depths of 12.5 metres below chart datum plus 0.5 metres over dredge tolerance. This is all subject to / without prejudice to the overall Requirement ensuring the dredge depth in the Areas of Interest.

Recommended Restricted Zones

- 4.3 We refer to paragraph 3.10 of the oNIP where the Applicant explains the proposed project will use a rolling 500 metre Recommended Restricted Zone (RRZ) around construction vessels which is consistent with the COLREGs. The Applicant advises it will liaise with the Interested Parties to establish communication protocols regarding these Safety Zones, which “may” include pre-commencement meetings, a 2-weeks advance notice before arrival within a NIP AOI, and daily updates during these activities of interest in the NIP AOI. The Applicant explains this will be discussed further with Interested Parties, and the NIP updated accordingly.
- 4.4 In LGPL’s view, the measures described by the Applicant are insufficient, and we note that the Applicant remains non-committal regarding the specific protocols/processes to be adopted. We refer to LGPL’s response to ExQ1 1SN17 [REP3-093], which sets out LGPL’s requirements for communication and liaison in relation to RRZs. These are proportionate measures to mitigate impact and must be incorporated into the NIP. Given the Applicant’s failure or unwillingness to commit to specific protocols, it is essential that LGPL is afforded approval rights over the NIP pursuant to a condition of the DML.

Inadequacy of socioeconomic assessment

- 4.5 We note that the Applicant has provided an updated version of document 6.2.4.7 (C) Environmental Statement Part 4 Marine Chapter 7 Shipping and Navigation (Clean) [REP4-035]. However, notwithstanding LGPL’s previous submissions to the Examination - including, most recently, LGPL’s comments on further information and submissions received by Deadline 3 [REP4-188] - LGPL does not consider that the updated chapter adequately assesses the socioeconomic impact of vessels being, now or in the future, prevented from using navigation channels into the Thames Estuary Ports as a result of inadequate dredge depths.
- 4.6 LGPL therefore requests that the Applicant further updates Chapter 7 of the Environmental Statement to provide a substantive assessment of the potential socioeconomic impacts arising from disruption to the Ports caused by the proposals, should the protections LGPL seeks not be included in the draft Order and related plans.

Register of Environmental Commitments

- 4.7 We refer to paragraphs 7.8.3 and 7.10.1 of 6.2.4.7 (C) Environmental Statement Part 4 Marine Chapter 7 Shipping and Navigation (Tracked) [REP4-036], where the Applicant continues to reference commitments and mitigation measures set out in the Register of Environmental Actions and Commitments (REAC). Similar references are made at paragraph 3.12.2 of the oNIP [REP4-075] and at paragraph 7.22.4 of the Applicant's Comments on submissions from London Gateway Port Limited, as contained in Document 9.86 Applicant's Comments on Other Submissions Received at Deadlines 3 and 3A [REP4-241].
- 4.8 As explained at ISH2, the REAC itself does not secure restrictions, it summarises commitments and indicates where those commitments are secured elsewhere. LGPL therefore requests that the Applicant updates all such references to specify the appropriate mechanism by which each commitment will be secured.

5 SUMMARY

- 5.1 In the absence of a DCO Requirement and the other protections sought by LGPL, and given the lack of an adequate socioeconomic assessment of the proposed scheme's impact on the Ports, LGPL does not consider that the Secretary of State could conclude that the proposed scheme satisfies Policy PS1 or PS3 of the East Inshore and East Offshore Marine Plan. LGPL will, however, continue to engage with the Applicant in an effort to ensure that its proposals are brought into compliance with the relevant policy requirements.

Addleshaw Goddard LLP
10 March 2026

APPENDIX 1

**SEALINK DCO
LONDON GATEWAY PORT LIMITED REQUIRED AMENDMENTS**

[these are in addition to the Protective Provisions]

New Requirement to be included in Schedule 3 to the Order:

"[X]. Any part of Work No.6, including any associated development or ancillary works, located within the Areas of Interest must be designed, installed, operated and maintained at a level which would not preclude or impede the dredging of those parts of the Areas of Interest to the following depths:

- (a) "Sunk Pilot Boarding area", to a level of 22 metres below Chart Datum; and
- (b) "Long Sand Head Two-Way Route crossing", to a level of 12.5 metres below Chart Datum; and
- (c) " North East Spit area" to a level of 12.5 metres below Chart Datum,

and in where all cases (a) to (c) makes allowance for an 'over-dredge' tolerance of 0.5 metres in addition to the stated depths attributable to standard dredging methodology."

Definition of Areas of Interest to be inserted in art 2(1) of the Order:

""Areas of Interest" means the areas, or any part thereof, shown on the Areas of Safeguarded Depth plan which comprises three areas labelled: Sunk Pilot Boarding area, Long Sand Head Two-Way Route crossing area, and North East Spit area and any reference to any individual one of those areas means the area as shown on the Areas of Safeguarded Depth plan."

Amendments to the deemed marine licence – in Part 2, Condition 1 add:

"(3) In the Areas of Interest:

- (a) no wet storage activities are to be carried out by the undertaker as part of the licensed activities;
- (b) no exclusion zones will be implemented as part of the licenced activities (this does not prevent any Recommended Restricted Zones required by and within the meaning of the Convention on the International Regulations for Preventing Collisions at Sea 1972 as implemented by the Merchant Shipping (Distress Signals and Prevention of Collisions) Regulations 1996 (S.I.1996/75));
- (c) there are to be no cable joints as part of the construction or maintenance of Work No. 6; and
- (d) there are to be no cable crossings except for one cable crossing in the deepest part of the North East Spit area where: (i) that it is reasonably necessary due to the proposed GridLink Interconnector scheme (electricity interconnector project designated as a European Union Project of Common Interest, project number No. 2018/540); and (ii) the required depth of 12.5m below Chart Datum with an

allowance for an 'over-dredge' tolerance of an additional 0.5 metres within Requirement [X] is in any event not precluded or impeded."