

Rule 17 letter Responses Issued 21 April 2026

In response to the Examination Authority's Rule 17 letter questions issued on 21 April 2026, the MCA would like to comment as follows at Deadline 7, 29 April 2026.

Rule 17	Question to:	Question	Response from MCA
15. Shipping and navigation			
15.1 Recommended restricted zones	Applicant Maritime and Coastguard Agency (MCA)	Draft Deemed Marine Licence (dDML) condition 1(3)(b) relates to exclusion zones. In response to 3SN17 the MCA [REP6-275] states that the reference to International Regulations for Preventing Collisions at Sea 1972 (COLREGs) is inappropriate as the COLREGs do not specify regarding Restricted Zones. The Maritime and Coastguard Agency (MCA) and applicant are requested to agree and submit appropriate wording.	<p>The MCA asked the applicant to confirm why the reference to the Convention on the International Regulations for Preventing Collisions at Sea 1972 (COLREGs) remains within Schedule 16, DML Part 2(3)(b), and Section 3.11 of the Outline Navigation Installation Plan.</p> <p>The applicant confirmed on 27 April via email that this definition is being amended for Deadline 7 to remove the reference to the COLREGS. This will also be removed from the NIP. The DML will instead cross reference to the oNIP in Condition 1(3)(b).</p> <p>On the understanding that this is amended in both the DML and the NIP in line with MCA feedback, the MCA would be content. The MCA do not currently have the D7 updated NIP to confirm this but trust it will be included.</p>
15.3 DML condition 4(1)(g) Outline Navigation and Installation Plan (oNIP)	MCA	The dDCO includes additional wording in relation to the NIP in dDML condition 4(1)(g). Can the MCA confirm whether it meets its requirements, as set out in [REP6-275]. If not, provide revised wording that would meet the MCA's requirements.	<p>The MCA notes that the deadline 6 DCO includes the following in relation to the NIP:</p> <p>(g) a navigation and installation plan for the relevant stage which is in substantial accordance with the principles set out in the outline navigation and installation plan; and which shall include details of—</p> <p>(i) planned protocols;</p> <p>(ii) concurrent activity restrictions; and</p> <p>(iii) weather constraints.</p> <p>The applicant has confirmed via email on 27 April that in the oNIP updated for deadline 7, it will now state that the area being specified</p>

			<p>for simultaneous RAM activities and during reduced visibility is KP 35 to KP 50, aligning with the MCA square visibilities stop ops area. The oNIP wording at D7 is the expected to be the following:</p> <p><i>Para 3.4.4 The Project agrees in principle to stop ops for RAM operations in visibilities of less than 2 Nautical Miles within the Sunk region (KP 35 – KP 50), unless otherwise agreed to or advised by Sunk VTS. This will be discussed further, defined, and agreed in the HAZOP workshop. The HAZOP workshop should have representatives from the construction vessels present.</i></p> <p>On the understanding that this is included in the updated NIP, and in accordance with plate 3.1, the MCA would be content. The MCA do not currently have the D7 updated NIP to confirm this but trust it will be included with clarity on the MCA defined areas for simultaneous RAM operations and during restricted visibility.</p>
<p>15.4 Outline Navigation and Installation Plan</p>	<p>Applicant MMO and other relevant stakeholders)</p>	<p>The MCA is requested to clarify whether the amendments made to the oNIP in [REP6-099] have met its concerns. If not, are these matters that could be secured in the NIP post consent or are further amendments needed? The applicant is requested to engage with the MCA to agree whether any amendments are needed in order for the risks to navigational safety to be considered to be as low as reasonably practicable (ALARP) and if appropriate submit agreed wording to the examination.</p>	<p>The MCA confirms we are content that the additional areas have been included in the NIP as per our request and this document now addresses our concern.</p>

15.6 DML condition 4(4) consultation	MCA MMO PLA LGPL	The PLA has suggested [REP6-140] that dDML condition 4(4) should require the MMO to consult with the parties involved in approving the plans or protocols, statement or details referred to in condition 4 before allowing any deviation from the approved document. The applicant is requested to engage with the relevant stakeholders (including MMO, MCA, PLA, LGPL, NE, JNCC) to agree and submit any revised wording for the DML. If this is not possible the ExA requests that any outstanding disagreements are fully explained by the parties.	The MCA would expect the MMO to consult with the MCA for the approval of any navigation safety related plans before allowing any deviation from the approved document. We welcome any suggested wording for this clause which includes the MCA.
MCA concerns not included in the Rule 17 Letter			
DCO DML	Errata MCA contact details	For the Maritime and Coastguard Agency the applicant is requested to change the telephone number to the 0203 817 2000 and insert Email: navigationsafety@mcga.gov.uk instead, which is currently spelt incorrectly.	The applicant confirmed on 27 April that this will be reviewed and updated the DML. The MCA do not currently have the D7 updated DCO DML but trust it will be included at deadline 7.
DCO DML	Cable Burial Plan	The MCA supports the proposed wording from the PLA regarding the Cable Burial Plan, which references the MCA.	<i>Condition 4(1) (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</i>

			<i>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;</i>
DCO DML	Reduction in water depth (in Sunk deep water anchorage)	The MCA recommends that a TDOL of 2-2.5m to be considered for KP33-38 as well, as this is the area adjacent to the SUNK DW anchorage. We believe the specifics regarding the TDOL near the SUNK DW anchorage can be agreed through the post consent CBRA and CSIP which the MMO and the MCA will be consulted upon.	Regarding Schedule of ExA's recommended amendments to the applicant's dDCO submitted at deadline 6 [REP6-004] Item 25. The MCA believes there has been a misunderstanding for the area within KP33-38 which <u>falls outside the Area of Safeguarded Water Depth</u> and is near the SUNK DW anchorage. The MCA believes the existing water depth here should not be changed. The reference to KP33 – 38 should therefore remain within the DCO DML in order to safeguard navigable depth and preventing anchor strikes by deep draught vessels in the vicinity the SUNK DW anchorage. We would therefore expect the following wording: <i>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.</i>
DCO DML	Securing the 5% reduction	With regards to Item 28 in the Schedule of ExA's recommended amendments to the applicant's dDCO submitted at deadline 6 [REP6-004]. The MCA is concerned that the ExA proposed DCO DML amendments may not appropriately capture Safeguarded Depth or 5% which ever provides the greatest depth.	The MCA has discussed and agreed the following wording with the PLA, in consultation with London Gateway: Condition 4(5) <i>In undertaking the licensed activities,</i> <i>(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</i> <i>(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.</i>

			<p><i>Condition 12 (3) In undertaking activities under condition 12(2):</i></p> <ul style="list-style-type: none"><i>(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</i><i>(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.</i>
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