

THE INFRASTRUCTURE PLANNING (EXAMINATIONS PROCEDURE) RULES 2010

SEA LINK DEVELOPMENT CONSENT ORDER (PINS REFERENCE EN010119)

LONDON GATEWAY PORT LIMITED ([REDACTED])

DEADLINE 7: RESPONSE TO EXAMINING AUTHORITY'S RULE 17 REQUEST FOR INFORMATION

On 21 April 2026 the Examining Authority issued a request for additional information and clarifications under Rule 17 of the above referred Rules. Certain requests were directed at London Gateway Port Limited (**LGPL**). A response to those requests is set out below. Commentary on certain other requests is also set out.

Appended to this response is a form of the Protective Provisions (PPs) for the benefit of London Gateway Port Limited in **Appendix 1** to this document. This PPs are agreed as between the applicant and LGPL except for the point regarding a right of approval of the CSIP, NIP and offshore CEMP. The version set out in Appendix 1 shows in track change the necessary changes that LGPL seeks to deal with this point.

Separately, LGPL has liaised with the Port of London Authority regarding amendments to the Conditions to the Deemed Marine Licence. A paper of amendments in relation to the drafting of certain conditions to the deemed marine licence to deal with matters relating to the 5% depth reduction by the applicant and other matters is set out at **Appendix 2** to this document. From the LGPL's perspective, the vital point is that the depths secured by Requirement 17 are absolutes and cannot be affected by any agreement by the MMO. Accordingly, LGPL respectfully disagrees with the proposed amendments set out at items 24 and 28 of the Schedule of ExA's recommended amendments to the applicant's dDCO published on 17 April 2026 [**PD-024**] which would suggest that the MMO could agree to a depth that was less than the limits set out in Requirement 17.

Request Number	Request	LGPL Response / Comment
15.1	Recommended restricted zones 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	LGPL has noted the MCA comments – the relevant reference in the proposed form (PPs) has been updated accordingly and is agreed between the applicant and LGPL.

	and Coastguard Agency (MCA) and applicant are requested to agree and submit appropriate wording	
15.2	<p>Trial trenching</p> <p>The Port of London Authority (PLA) [REP6-140] has queried the removal of trial trenching from the definition of ‘commence’ in article 2 of the dDCO. The applicant is requested to engage with PLA to agree a position on this matter and submit to the examination.</p>	N/A
15.3	<p>DML condition 4(1)(g) Outline Navigation and Installation Plan (oNIP)</p> <p>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>	N/A
15.4	<p>Outline Navigation and Installation Plan</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?</p> <p>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>	N/A.

<p>15.5</p>	<p>DML condition 4(1) Cable Specification and Installation Plan</p> <p>London Gateway Port Limited (LGPL) [REP6-267] has requested that it be a consultee on the Cable Specification and Installation Plan. The applicant is requested to engage with LGPL to agree a response and if appropriate an updated dDML.</p>	<p>This question is in error – LGPL has consistently sought a right of <i>approval</i> over the CSIP, NIP and offshore CEMP. LGPL's position is that should be secured in the PPs.</p> <p>The applicant does not agree and instead has proposed in the form of the PPs that LGPL should have a right to be consulted only.</p> <p>LGPL's position remains as set out in its response to ExQ3 [REP6-267] – that it should have a right of approval. This is on the basis that the outline forms of the CSIP, NIP and CEMP are lacking detail. For example, the oCSIP [REP6-136] does not specify what cable installation method will be used – it notes that the final CSIP will set out the method, including information on the equipment, timing and programme of these works (para 4.2.5). The methods considered in the oCSIP vary significantly (cable burial ploughs, jet trenching (towed, free swimming or tracked), mechanical trenchers (tracked), or mass (or controlled) flow extractors) and these would vary significantly in terms of their impacts on the passage of London Gateway vessels. Until the method is known, it is impossible for LGPL to establish the possible effects on it. For these reasons of lack of detail, LGPL requires the right to approve the final form of these plans. This is a reasonable request and is entirely consistent with ALARP. Without such controls, unassessed (REP5-25 does not consider the point) and unknown significant effects on access to and egress from London Gateway Port (affecting continuity of trade and, crucially, supply of goods and materials to the UK) may occur.</p> <p>Save for this point, the PPs are agreed as between the applicant and LGPL. Appended as Appendix 1 to this response is the form of the PPs that LGPL seeks, showing in track the differences between the version that the applicant proposed.</p>
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15.6	<p>DML condition 4(4) consultation</p> <p>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.</p> <p>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.</p>	<p>This is an important point. The applicant has agreed the wording in paragraph 4 of the PPs which deals with the point from LGPL's perspective – see attached version set out in Appendix 1.</p>
15.7	<p>Post-installation cable condition surveys</p> <p>The MMO [REP6-268] in response to ExQ3SN8 has referred to the lack of a mechanism in the dDCO/dDML to secure post-consent maintenance reports. The MMO is requested to confirm whether new condition F in the ExA's Schedule of Changes to the dDCO [PD-024] would provide an appropriate securing mechanism or whether an additional condition would be necessary. The MMO is requested to submit any additional condition or wording if required.</p>	N/A
15.8	<p>Cable crossing with Gridlink interconnector</p> <p>London Gateway Port Limited (LGPL) [REP6-267] has suggested revised wording to requirement 17 to ensure that the crossing with Gridlink Interconnector is located in areas of deeper water depth without bringing into question the minimum depths secured by requirement 17. Applicant to provide comments on a) the need for such a provision b) the form of wording suggested by LGPL and if necessary provide an alternative form of wording.</p>	<p>The Applicant has agreed with LGPL to remove paragraph 17(2) from Requirement 17 in the form of the draft Order that it will submit at Deadline 7 and LGPL is content that that change, along with the wording already included in REP6-004 at paragraph 17(3) referring to the Sea Link Exclusion Area, will deal with LGPL's concerns.</p>

15.9	<p>Restricted zones</p> <p>LGPL [REP6-267] raised concerns regarding the protocols or processes to be adopted. LGPL is requested to comment as to whether the updated oNIP [REP6-099] provides sufficient commitment. If not, set out additional commitments that LGPL considers necessary.</p>	<p>LGPL is content that the wording set out in paragraphs 13 to 15 of the PPs at Appendix 1, which are agreed with the applicant, deals with LGPL's concerns.</p>
15.10	<p>Cable crossings in the Sunk and Long Sand Head</p> <p>LGPL [REP6-267] has requested a condition providing that there should be no cable crossings in these locations and has suggested the following wording:</p> <p>“there are to be no cable crossings caused by the construction of Work No.6 in the Sunk Pilot Boarding area or the Long Sand Head Two-Way Route crossing area”</p> <p>The applicant is requested to provide comments on the need for such a condition and if it is necessary, the means of securing it.</p>	<p>The applicant has indicated to LGPL that it will include the relevant condition in the DML in the version of the draft Order that the applicant intends to submit at Deadline 7. This is recorded in the version of the SoCG to be submitted at the same deadline.</p>

Addleshaw Goddard LLP

APPENDIX 1 – FORM OF PROTECTIVE PROVISIONS SOUGHT BY LONDON GATEWAY PORT LIMITED

SCHEDULE 15

PART [X]

FOR THE PROTECTION OF LONDON GATEWAY PORT LIMITED

Application

1. For the protection of LGPL the following provisions will, unless otherwise agreed in writing between the undertaker and LGPL, have effect in relation to the construction, operation and maintenance of any specified work.

Interpretation

2. In this Part of this Schedule—

“Areas of Safeguarded Water Depth” means the areas, or any part thereof, shown on the Areas of Safeguarded Water Depth plan which comprises three areas labelled: Sunk Pilot boarding area, Long Sand Head Two-Way Route crossing area, and North East Spit area;

“Cable Specification and Installation Plan” means the cable specification and installation plan to be approved by the MMO under condition 4 of the Deemed Marine Licence;

“construction” includes execution, placing of a work and the carrying out of any operation, and “construct” and “constructed” are to be construed accordingly;

“commence” for the purpose of this Part of Schedule 15 means the carrying out of any authorised development and surveying and monitoring activities and “commencement” and “commenced” must be construed accordingly;

“Deemed Marine Licence” means the marine licence granted by this Order as set out in Schedule 16;

“LGPL” means London Gateway Port Limited;

“maintain” has the same meaning as in Article 2 save that it includes surveying and monitoring within the Areas of Safeguarded Water Depth and maintenance shall be construed accordingly;

“Navigation Installation Plan” means the Navigation Installation Plan to be approved under condition 4(k) of the Deemed Marine Licence;

“Offshore Construction Environment Management plan” means the plan to be approved under condition 4(b) of the Deemed Marine Licence;

“plans” includes navigational risk assessments, plans, sections, elevations, drawings, specifications, programmes, construction methods and descriptions including, where applicable, relevant hydraulic information and other documents that are reasonably necessary to properly and sufficiently describe and assess the works to be executed;

“Restricted Zone Works” means any specified work that would be carried out with a Recommended Restricted Zone as defined in the Deemed Marine Licence;

“specified work” means any works or operations forming part of the construction, operation or maintenance of the authorised development or any ancillary works that are within or which may affect the Areas of Safeguarded Water Depth; and

“undertaker” means the undertaker as defined in article [2] (interpretation) of this Order.

Consultation and Notice

3. The undertaker will ~~consult~~ obtain the approval of LGPL on:

- (1) the Cable Specification and Installation Plan (in so far as that plan relates to any specified work or the Areas of Safeguarded Water Depth) no less than 20 business days before any application for approval of that plan may be submitted by the undertaker to the MMO in compliance with condition 4 of the Deemed Marine Licence and any revisions arising from such application (in so far as those revisions relate to any specified work or the Areas of Safeguarded Water Depth); and
 - (2) the Navigation Installation Plan (in so far as that plan relates to any specified work or the Areas of Safeguarded Water Depth) no less than 20 business days before any application for approval of that plan may be submitted by the undertaker to the MMO in compliance with condition 4(k) of the Deemed Marine Licence and any revisions arising from such application (in so far as those revisions relate to any specified work or the Areas of Safeguarded Water Depth)
 - (3) the offshore Construction and Environmental Management Plan (in so far as that plan relates to any specified work or the Areas of Safeguarded Water Depth) before any application for approval of that plan may be submitted by the undertaker to the MMO in compliance with condition 4(k) of the Deemed Marine Licence and any revisions arising from such application (in so far as those revisions relate to any specified work or the Areas of Safeguarded Water Depth).
- 4.** The undertaker will construct and maintain the specified works in accordance with the plans as approved pursuant to paragraph 3, unless otherwise agreed in writing by the MMO pursuant to condition 4(4) of the deemed marine licence in Schedule 16. However, prior to seeking such an approval of the MMO the undertaker will consult LGPL and will provide the MMO with a copy of any response made by LGPL as part of any request for the MMO's approval.
- 5.** The undertaker will consult LGPL on the proposed activities and programme for any pre-construction monitoring, construction monitoring, post construction monitoring or surveying and related reporting within or which may affect the Areas of Safeguarded Water Depth before such pre-construction monitoring, construction monitoring, post construction monitoring or surveying is programmed to commence. The undertaker must allow LGPL a period of 3 weeks in which to respond and have regard to any request made by LGPL for reasonable amendment to the programme.
- 6.** The undertaker must notify LGPL of the final planned programme for any pre-construction monitoring, construction monitoring, postconstruction monitoring or survey work to be undertaken under this Order within or which may affect the Areas of Safeguarded Water Depth no less than 5 business days before such survey work is programmed to begin.
- 7.** The undertaker will consult LGPL on any application for marine licensing for the clearance of unexploded ordnance from or which may affect the Areas of Safeguarded Water Depth before such applications are submitted to the MMO. The undertaker must have regard to any request made by LGPL for reasonable amendment to the proposed application, provided that the request is made to the undertaker within 10 business days of receipt of the details of the proposed application.
- 8.** The undertaker must notify LGPL of the final programme for any clearance of unexploded ordnance to be undertaken within the Areas of Safeguarded Water Depth no less than 10 business days before such disposal is programmed to begin.
- 9.** The undertaker will consult LGPL on the activities and programme for any specified work which is not covered by the Cable Specification and Installation Plan before such specified work is programmed to commence. The undertaker must allow LGPL a period of 3 weeks in which to respond and have regard to any request made by LGPL for reasonable amendment to the activities or programme.
- 10.** The undertaker must notify LGPL of the final method statement and programme for any for any specified work to be undertaken under this Order which is not covered by the Cable Specification and Installation Plan no less than 5 business days before such work is programmed to begin.

Cable Specification and Installation Plan

11. The Cable Specification and Installation Plan, or any other plan referred to in paragraph 3, must comply with Requirement 17 and set out for Work No.6, in so far as it applies to the Areas of Safeguarded Water Depth:

- (1) The proposed cable installation methods and measures for management of construction risks;
- (2) Cable protection measures proposed including type, maximum volume and locations;
- (3) Arrangements to consult LGPL on matters regarding the construction of cables and cable protection measures within the Areas of Safeguarded Water Depth, including provision of a point of contact for continuing liaison and co-ordination throughout the construction of these works;
- (4) The proposed programme of work for cable installation with arrangements for specific notification and liaison with the LGPL Harbour Master in relation to the undertaker's activities in the Areas of Safeguarded Water Depth throughout the programme, including as to the schedule of vessel activities and movements and arrangements for notification of any changes to the programme to LGPL;
- (5) Arrangements for close liaison between the undertaker, its contractors and LGPL's Harbour Master to allow all parties to take steps to minimise impacts on vessels calling at London Gateway Port; and
- (6) The programme and methodologies for monitoring and the arrangements for the results of monitoring surveys or other construction evidence being made available to LGPL within 10 business days of the undertaker receiving reports of the survey results or evidence to demonstrate compliance with the depths referred to in sub paragraph (1) of this paragraph.

Monitoring

12. The undertaker shall notify LGPL as soon as reasonably practicable, and in an event within 2 business days, in the event that any geophysical survey conducted using a multi-beam echo sounder confirms the exposure of any cable within the Areas of Safeguarded Water Depth.

Minimising the Impact of Restricted Zones

13. Not less than two weeks prior to carrying out any Restricted Zone Works in any part of the Areas of Safeguarded Water Depth, the undertaker will notify LGPL's harbour master of that fact and LGPL's harbour master will in turn provide the undertaker with its schedule of vessel calls. The undertaker will have regard to the schedule in relation to the timings of the presence of its vessels and the carrying out of Restricted Zone Works so as to avoid and minimise disruption to vessels navigating to and from London Gateway Port.

14. Pre-commencement meetings between LGPL's harbour master and the undertaker or the undertaker's relevant contractors will take place either one or two days before Restricted Zone Works begin in each of Areas of Interest and the undertaker will have regard to LGPL's representations at those meetings when planning and carrying out Restricted Zone Works in the Areas of Interest.

15. Whilst Restricted Zone Works are carried out in the Areas of Safeguarded Water Depth, the Applicant will provide LGPL's harbour master with daily updates to inform LGPL's scheduling.

Provision of as built details

16. As soon as reasonably practicable following the completion of the construction of cables forming Work No. 6 (including any cable protection measures), and after any works or maintenance which would result in changes to the position, depth and/or cable protection measures installed as part of Work No.6, the undertaker must provide (on a strictly confidential basis) to LGPL as built drawings of Work No. 6 in a form and scale to be agreed between the undertaker and LGPL to show the position, depth and any cable protection measures installed as part of Work No. 6 in relation to the Areas of Safeguarded Water Depth.

17.LGPL must not disclose (without the written consent of the undertaker) any information that has been provided by the undertaker to LGPL on a confidential basis or which is marked as commercially sensitive and must hold such information on a confidential basis only, except that LGPL may provide the information to contractors and agents acting on its behalf (including but not limited to contractors engaged to carry out dredging operations) provided that such agents and contractors are required by LGPL to treat such information as confidential.

Transfer of the benefit

18.The undertaker must within 7 days after the completion of any sale, agreement or other transaction under article 7 (Consent to transfer benefit of Order) in relation to which any powers, rights and obligations of the undertaker are transferred to another party, notify LGPL in writing, and the notice must include particulars of the other party to the transaction under article 7, the general nature of the transaction and details of the extent, nature and scope of the works or functions sold, transferred or otherwise dealt with.

Arbitration

19. Any dispute arising between the undertaker and LGPL under this Part of this Schedule is to be escalated in the first instance to senior representatives from LGPL and the undertaker, and LGPL and undertaker must seek to resolve the dispute through a meeting between the parties promptly and in any event within 10 business days.

20.Any difference or dispute arising between the undertaker and LGPL under this Part of this Schedule which has not been resolved within 10 days under paragraph 19 above must, unless otherwise agreed in writing between the undertaker and LGPL, be determined by being referred to and settled by a single arbitrator to be agreed between the parties, or failing agreement, to be appointed on the application of either party (after giving notice in writing to the other) to the President of the Institute of Civil Engineers.

Notices

21. Any plans submitted to LGPL by the undertaker pursuant to this Part of this Schedule must be sent to LGPL by post to the address below such other address or e-mail address as LGPL may from time to time appoint instead for that purpose and notify to the undertaker.

London Gateway Port Harbour Master
London Gateway Port Limited
No. 1 London Gateway
London Gateway Drive
Stanford-le-Hope
Essex
SS17 9DY

Consultation and Approval Principles

22. Wherever the undertaker is required to consult LGPL or obtain LGPL's approval under this Part of this Schedule the following shall apply:

(1) The undertaker shall provide LGPL with sufficient information to enable meaningful consideration, including detailed plans, specifications, and any relevant environmental or operational impact assessments

(2) LGPL shall be entitled to request any clarification or additional documentation necessary to understand the proposal, provided that the request is made to the undertaker within 10 business days of receipt of the details which are subject to consultation.

(3) LGPL shall be entitled to request a meeting to discuss the proposed works, and the undertaker shall use reasonable endeavours to arrange such meeting within 10 business days of the request.

(4) LGPL shall be entitled to request an extension to any of the relevant timeframes if required and such extension shall be granted by the undertaker wherever reasonably practicable provided that the request is made to the undertaker within 10 business days of receipt of the details which are subject to consultation or of receipt of any clarification or additional documentation requested pursuant to sub-paragraph (2).

(5) In relation to any consultation, the undertaker shall be obliged to receive and fully consider any and all comments provided by LGPL within the relevant timeframes and, to the extent practicable, to also consider comments received outside of these timeframes.

(6) In relation to any consultation, the undertaker shall have due regard to any comments, representations or objections made by LGPL and upon request shall respond in writing, setting out how such comments, representations or objections have been considered and, where applicable, addressed.

(7) The undertaker shall not commence the proposed works or apply for consent from the MMO, as relevant, until the consultation process has been completed in accordance with this Part of this Schedule, including the provision of responses to any comments, representations or objections made by LGPL (if requested) or until LGPL's approval is given, as applicable.

(8) LGPL shall act reasonably and in good faith in reviewing any application for approval or consultation materials and making any requests, representations, or objections or granting any approval.

(9) The undertaker shall act reasonably and in good faith in preparing and providing materials and in responding to any requests, representations, or objections from LGPL.

(10) The undertaker shall keep a written record of all approval or consultation communications, including comments, requests, responses, representations, objections, and meeting notes, and shall provide a copy to LGPL upon request and shall provide a copy of any relevant request, representation, or objections from LGPL to the MMO with any application that is to be submitted to the MMO pursuant to Schedule 16 (deemed marine licence) or otherwise in respect of a plan, works or other proposal upon which LGPL has been consulted, provided that LGPL provide those requests, representations or objections to the undertaker before the relevant application is submitted to the MMO.

APPENDIX TWO

SEALINK DCO [REP6-004] LONDON GATEWAY PORT LIMITED

Amendments to the deemed marine licence – Part 2, Conditions:

LGPL understands that these proposed changes accord with changes to be proposed by the PLA and MCA

1 Condition 1(3)(d)(i) – amend 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~~”

2 Condition 1(3)(d)(ii) -this should also reference the Areas of Safeguarded Water Depth Plan and the exclusion area for the Sea Link crossing with GridLink

3 Condition 4(1) delete references to “substantial” in sub-paragraphs (a) and (b).

4 Condition 4(1)(v) – amend to 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;”

5 Condition 4(5) – amend to read:

“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.”

6 Condition 4(6)- amend to read:

“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.”

7 Condition 12 (3) – amend to 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."

Comments on the Examining Authority's Schedule of Recommended Amendments to the applicant's dDCO submitted at deadline 6 [PD-024]

1 LGPL notes that the ExA proposes the following change to **condition 3(12)** of the deemed marine licence

"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)**, 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."

LGPL understands that the PLA is of the view that the time of notification should be very short and the PLA would advocate 2 business days where exposure has been identified. LGPL would support this position.

2 LGPL respectfully disagrees with the proposed amendments set out at items 24 and 28 of the Schedule of ExA's recommended amendments to the applicant's dDCO published on 17 April 2026 which would suggest that the MMO could agree to a depth that was less than the limits set out in Requirement 17