



FIVE ESTUARIES OFFSHORE WIND FARM

10.10.7 STATEMENT OF COMMON GROUND – REVISION B (TRACKED) ENVIRONMENT AGENCY

Application Reference:	EN010115
Application Document Number:	10.10.7
Revision:	<u>AB</u>
Pursuant to:	Deadline <u>58a</u>
EcoDoc Number:	005557409- <u>0102</u>
Date:	<u>JanuaryMarch</u> 2025

PHONE: 0333 880 5306
EMAIL: fiveestuaries@rwe.com
WEBSITE www.fiveestuaries.co.uk
REGISTERED Five Estuaries Offshore Wind Farm Ltd
OFFICE: Windmill Hill Business Park
Whitehill Way, Swindon, Wiltshire, SN5 6PB
Registered in England and Wales company
COMPANY NO: number 12292474



COPYRIGHT © Five Estuaries Wind Farm Ltd

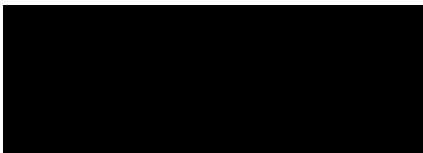
All pre-existing rights reserved.

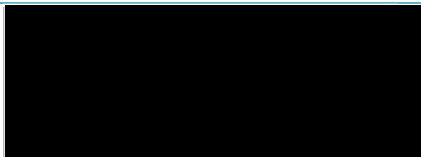
In preparation of this document Five Estuaries Wind Farm Ltd has made reasonable efforts to ensure that the content is accurate, up to date and complete for purpose.

Revision	Date	Status/Reason for Issue	Originator	Checked	Approved
A	Jan 2025	SoCG <u>(Deadline 5)</u>	VE	VE	VE
<u>B</u>	<u>Mar 2025</u>	<u>UpdatesDeadline 8A</u>	<u>VE</u>	<u>VE</u>	<u>VE</u>



SIGNATORIES

Signed	
Name	Kieran Somers
Position	Senior Consents Manager
For	Five Estuaries Offshore Wind Farm Limited

Signed	
Name	Adam Ireland
Position	Sustainable Places Team Leader
For	Environment Agency



CONTENTS

1	Introduction	5
1.1	Background	5
1.2	Approach to SoCG	5
1.3	The Proposed Development	5
2	Environment Agency's Remit	7
2.1	Introduction.....	7
2.2	Consultation Summary	8
3	Agreements Log.....	9

TABLES

Table 3.1: Position Status key	9
Table 3.2: Status of discussions	10



DEFINITION OF ACRONYMS

Term	Definition
CoCP	Code of Construction Practice
DCO	Development Consent Order
EA	Environment Agency
ECOW	Ecological Clerk of Works
ERP	Emergency Response Procedure
ETGs	Expert Topic Groups
GW	Ground Water
HDD	Horizontal Directional Drilling
MDS	Maximum Design Scenario
MW	Megawatts
NSIP	Nationally Significant Infrastructure Project
SMP	Shoreline Management Plan
SoCG	Statement of Common Ground
SSSI	Sites of Special Scientific Interest
VE	Five Estuaries Offshore Wind Farm



1 INTRODUCTION

1.1 BACKGROUND

- 1.1.1 This Statement of Common Ground (SoCG) has been prepared between Five Estuaries Offshore Wind Farm Limited (hereafter referred to as 'the Applicant') and the Environment Agency to set out the areas of agreement and disagreement between the two parties in relation to the proposed Development Consent Order (DCO) application for the Five Estuaries Offshore Wind Farm (hereafter referred to as "VE").
- 1.1.2 Following detailed discussions undertaken between the parties, the Applicant and the Environment Agency have sought to progress a SoCG. It is the intention that this document provides the Planning Inspectorate with a clear overview of the level of common ground between both parties. This document will be updated if any additional points are identified, or any positions change during the Examination.

1.2 APPROACH TO SOCG

- 1.2.1 This SoCGs sets out the topic, a brief summary of the issue or matter subject to disagreement or agreement, the position of the Applicant and that of the Environment Agency, and a colour coding to illustrate the level of agreement and/or materiality.
- 1.2.2 A full description of the approach adopted is set out in 9.33 Approach to Statements of Common Ground (APP-266) submitted as part of the DCO application.

1.3 THE PROPOSED DEVELOPMENT

- 1.3.1 The Five Estuaries Offshore Wind Farm (hereafter referred to as VE) is the proposed extension to the operational Galloper Offshore Wind Farm. The project includes provision for the construction, operation, maintenance and decommissioning of an offshore wind farm located approximately 37 kilometres off the coast of Suffolk at its closest point in the southern North Sea; including up to 79 wind turbine generators and associated infrastructure making landfall at Sandy Point between Frinton-on-Sea and Holland-on-Sea, the installation of underground cables, and the construction of an electrical substation and associated infrastructure near to the existing Lawford Substation to the west of Little Bromley in order to connect the development to National Grid's proposed East Anglia Connection Node substation, which would be located nearby.
- 1.3.2 All onshore connection infrastructure would be located in the administrative area of Tendring District Council, within Essex County Council. VE will have an overall capacity of greater than 100 Megawatts (MW) and therefore constitutes a Nationally Significant Infrastructure Project (NSIP) under the Section 15 (3) of the Planning Act 2008.



- 1.3.3 A full Project description is included in the Environmental Statement, in particular 6.2.1 Offshore Project Description [APP-069] and 6.3.1 Onshore Project Description [APP-083].



2 ENVIRONMENT AGENCY'S REMIT

2.1 INTRODUCTION

- 2.1.1 The Environment Agency has regulatory responsibility for:
- > regulating major industry and waste
 - > treatment of contaminated land
 - > water quality and resources
 - > fisheries
 - > inland river, estuary and harbour navigations
 - > conservation and ecology
- 2.1.2 The Environment Agency are responsible for managing the risk of flooding from main rivers, reservoirs, estuaries and the sea.
- 2.1.3 The following application documents have informed the discussions with the Environment Agency and address the elements of VE that may affect the interests of the interested party:
- > 5.3.1 Flood Risk Assessment Export Cable Corridor [APP-038]
 - > 5.3.2 Flood Risk Assessment Onshore Substation [APP-039]
 - > 6.3.5 Ground Conditions and Land Use [APP-087]
 - > 6.3.6 Hydrology, Hydrogeology and Flood Risk [APP-088]
 - > 6.6.6.1 Ground Water Risk Assessment [APP-159]
 - > 9.6 Water Framework Directive Assessment - Onshore [APP-236]
 - > 9.21 Code of Construction Practice [REP1-041]
 - > 9.22 Outline Landscape and Ecological Management Plan [REP2-022]
 - > 9.28 Outline Landfall Methodology [APP-261]
- 2.1.4 The main areas of interest raised by the Environment Agency:
- > Seawall/flood defence crossing - interaction with Environment Agency asset
 - > Horizontal Directional Drilling (HDD) water supplies
 - > Hydrogeology and Groundwater
 - > Onshore Biodiversity
 - > Flood Risk and Emergency Flood Plan
 - > Protective Provisions
 - > Land and Property
 - > Development Consent Order
- 2.1.5 The Environment Agency and the Applicant have been working together to minimise possible impacts of the project on the Environment Agency's operations.



2.2 CONSULTATION SUMMARY

- 2.2.1 Since 2019, the project has been engaging with relevant stakeholders through different levels of activity. The project has undertaken the necessary consultations before submitting the application and has held Expert Topic Groups (ETGs) on a number of specific topics, as well as bilateral meetings with key stakeholders. The Environment Agency has replied to the Stage 1 consultation, to the Section 42 consultation and through Relevant Representations. The comments received and the meetings between the project and the interested party have informed the basis for this SoCG.



3 AGREEMENTS LOG

- 3.1.1 The following sections of this SoCG set out the level of agreement between the Applicant and the Environment Agency for each relevant component of the Application identified in paragraph 2.1.3. The tables below detail the positions of the Applicant alongside those of the Environment Agency and whether the matter is agreed or not agreed.
- 3.1.2 In order to easily identify whether a matter is 'agreed', 'not agreed' or an 'ongoing point of discussion', the agreements logs in the tables below are colour coded to represent the status of the position according to the criteria in Table 3.1 below. Colours were chosen in order to ensure inclusivity for the visibility of data.

Table 3.1: Position Status key

POSITION STATUS	COLOUR CODE
The matter is considered to be agreed between the parties.	Agreed
The matter is neither 'agreed' or 'not agreed' and is a matter where further discussion is required between the parties, for example where relevant documents are being prepared or reviewed.	Ongoing point of discussion
The matter is not agreed between the parties.	Not agreed

Table 3.2: Status of discussions

Issue	Proposed Resolution	Environment Agency's Position	Position Status
Seawall/Flood Defence Crossing - interaction with Environment Agency asset			
How will the Applicant ensure coordination with North Falls at the landfall for the HDD, aligning timescales and location of ducts under the sea wall and how this would be managed between both projects.	The Applicant and North Falls will be coordinating to ensure there is sufficient spacing between the circuits of the two projects as required by the electrical and civil engineering design. No changes are proposed to the control documents and the Applicant notes that due to working space for offshore vessels and operations, it is not possible to complete simultaneous work at landfall.	<i>The Environment Agency is satisfied with this technical response and the issue is now "agreed".</i>	Agreed
EA needs to ensure measures are in place for the monitoring of the seawall asset during landfall works for movement.	Monitoring will be included in the Protective Provisions to be agreed with the Environment Agency. The Applicant proposes to install monitoring on the seawall during construction to measure any movement. The scope of monitoring will be defined following further ground investigations, detailed landfall HDD design and the precise methodology selected and associated risk assessment. This will be secured and agreed with the EA through the Protective Provisions.	<i>The Environment Agency is satisfied subject to the agreement of this is included in the Protective Provision <u>Provisions that this issue is addressed, It remains under discussion until the Protective Provisions are and now agreed.</u></i>	Under discussion Agreed
EA is concerned about the potential for release of fluids as a result of frac-out on the landward side during the works and discharge of the material.	The 9.21 Code of Construction Practice – Rev B [REP1-041] paragraph 3.16.10 sets out the measures that will be employed to reduce the potential for and mitigate frac-out, this includes the works going under the SSSI. Those measures are: > Undertaking appropriate ground investigation/desk study to inform drilling parameters such as drilling pressures; > Monitoring of drilling fluid properties (i.e. mud weight, viscosity, gel strength, volume and pressure) during drilling to prevent frac-outs; > Stopping drilling if unexpected variations or trends are observed and investigating the cause; > Having frac-out contingency plans and response equipment such as sand bags and clean-up equipment in place, and detailed in the activity Risk Assessments and Method Statement; and > Regular inspections should also be conducted along the drill path during pilot hole drilling.	<i>The Environment Agency is satisfied that these controls address this concern and the issue is now "agreed".</i>	Agreed
The EA need to have accurate locations plotted of the cables crossing under the seawall so they can be added to the Asset Database and marking studs located on the sea wall.	Post construction position, depths and details of the cable ducts will be provided ("as built"). This includes identification marking on the seawall asset. This will be secured through the Protective Provisions.	<i>The Environment Agency is satisfied subject to the agreement of the Protective Provision that is issue is addressed, It remains under discussion until this is included in the Protective Provisions <u>are that is issue is addressed and now agreed.</u></i>	Under discussion Agreed
There are no plans to undertake a Managed Realignment scheme currently, but this is the preferred policy in the Shoreline Management Plan for the time period of 2055-2105. The Shoreline Management Plan (SMP) is not up to date and the future means of protecting this length of shoreline is unclear at present.	The detailed design would also consider the impacts of the transition jointing bays being in Flood Zone 3. Section 7.7.64 of 6.3.6 Hydrology, Hydrogeology and Flood Risk [APP-088] confirms that 'the risk of tidal flooding to the land behind the defences has been considered and assessed for the construction phase and the defences are considered adequate to provide protection to this land for this phase of the development. The cables and transition	<i>The Environment Agency is satisfied with this technical response and the issue is now "agreed".</i>	Agreed

	joints are all designed to be submersible and considered resilient to floodwater. During operation the installed cable would be buried underground and is not considered to be vulnerable to flooding. It is noted in the SMP that for the landfall reach of coastline, the current defence line will be held until 2055. From this point a dual policy of either managed realignment or hold the line will be adopted. VE will ensure design of the cable route from landfall inland is cognisant of the potential for managed realignment towards the end of the design life of the onshore cable. Design of the Transition Joint Bay (TJB) will take into account the potential for increased flood risk towards the end of design life for the structure'.		
Horizontal Directional Drilling (HDD) – General			
EA raised the potential impact to watercourses / riparian habitat from run off from trenchless crossings undertaken in close proximity.	The Applicant confirmed that all “main rivers” will be crossed using trenchless techniques. A minimum stand off distance of 10m from the edge of each watercourse which would minimise the potential impact from run off. Section 3.16.9 of the 9.21 Code of Construction Practice – Revision B [REP1-041] states that stockpile areas will be located a minimum of 10m from any open watercourse and that sediment fences will be used when working in close proximity to them. Additional text will be added to section 4.10 to confirm that the entry and exit pits for trenchless crossings of watercourses will be located a minimum of 10m from any open watercourse.	<i>The Environment Agency is satisfied subject to now the additional commitment being added to is included in the Code of Construction Practice – Rev C – that this issue is addressed. It remains “under discussion” until the revised CoCP is submitted in the Examination.</i>	Under discussion Agreed
Concerns about the amount of water needed for HDDs and where this would come from. Raised the need for abstraction licences depending on the amounts.	The Applicant requires a supply of water to undertake horizontal directional drilling. It is planned the works would comply with schedule 5 of the Water Abstraction and Impounding (Exemptions) Regulations 2017. It is proposed to use a hybrid of abstraction from local water source(s) if available of up to 20m³ and tankering in any additional water over and above this, which avoids the need for an abstraction licence. This approach seeks to reduce the number of HGVs arriving at site with balancing the impact on local water supplies/minimising the need for an abstraction licence. If there are issues with abstracting from local water sources the project will only use tankered water. The Applicant has suggested a hybrid of abstraction from local water source(s) if available of up to 20m³ and tankering in the remaining water to negate the need for an abstraction licence. Abstraction Licences if required would follow the standard process and be put in place by the Contractors. 9.21 Code of Construction Practice – Rev C, also submitted at Deadline 5 has been updated to include further detail on groundwater in a new section, which identifies the potential need for abstraction licences.	<i>The Environment Agency is satisfied subject to now the additional commitment being added to is included in the Code of Construction Practice – Rev C – that is issue is addressed, It remains “under discussion” until the revised CoCP is submitted in the Examination.</i>	Under discussion Agreed
Hydrogeology and Ground Water			
It is noted by the Environment Agency that Piling may be required. The EA wish to be consulted on any piling works that could affect water quality or affect groundwater flow mechanisms.	The final design solution for the project is not yet fixed and the option for piling of foundations at the substation remains open in line with considering the Maximum Design Scenario (MDS). This would include undertaking a Piling Risk Assessment, which would consider the impact of piling both in terms of its long-term impacts to the groundwater flow regime, potential for pollution and drawdown.	<i>The Environment Agency is satisfied subject to now the additional commitment being added to is included in the Code of Construction Practice – Rev C – that is issue is addressed, It remains “under discussion” until the revised CoCP is submitted in the Examination.</i>	Under discussion Agreed

	The Applicant notes the EA guidance “ <i>Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention- Microsoft Word - EA final report 12 Sep 2006</i> ”. 9.21 Code of Construction Practice – Rev C has been updated to include a new section on groundwater which includes this commitment and specifically reference the identified guidance.		
The Applicant states that there may be a requirement for dewatering of excavations. As discussed in relation to the relevant sections of 6.6.6.1 Groundwater Risk Assessment [APP-159], the earlier the likelihood and magnitude of dewatering is estimated, the earlier the risks can be assessed in the event an abstraction licence is required for these works	The Applicant is aware of the potential timeframes for obtaining permission for dewatering. Further discussions will be held with the Environment Agency as required when more detailed design has been completed. This potential additional consent is identified within 5.8 Details of Other Consents and Licences [APP-060] table 2.2.	<i>EA is satisfied that the Applicant is aware of the requirements for dewatering (if required) and this addresses the issue raised. It is now “agreed”.</i>	Agreed
The EA have raised some concerns over the use of Bayer and Sichardt formulas and their limitations within GW assessment.	The Applicant agrees that more comprehensive assessment would be required if abstraction licence was required and considers that the use of the formulas was appropriate as a worst case assessment. The Applicant will include mentions of the limitations in the updated 6.6.6.1 Ground Water Risk Assessment – Rev B.	<i>The Environment Agency is satisfied subject to the additional explanation being added to 6.6.1.1 Ground Water Risk Assessment – Rev B that is acceptable to the Environment Agency <u>and</u> that the issue is addressed. It remains “under discussion” until the revised GWRA is submitted into the Examination and reviewed now agreed.</i>	Under discussion <u>Agreed</u>
<u>Updated Groundwater Risk Assessment (GWRA) and Outline Groundwater Monitoring Plan</u>	<u>The Applicant has revised 6.6.1.1 Ground Water Risk Assessment to address the Environment Agency comments and set out the approach to monitoring.</u>	<u>The Environment Agency are satisfied 6.6.1.1 Ground Water Risk Assessment – Revision B revisions and have no further comments on the proposals and consider this agreed.</u>	<u>Agreed</u>
Onshore Biodiversity			
Section 4.10 of the Code of Construction Practice mentions that smaller watercourses may be dammed and over pumped during the construction phase. EA recommends that, where watercourses support fish populations, the pumps are guarded by 2mm screens to prevent the entrapment/entrainment of fish.	The following additional text has been added to 4.10.4 of the Code of Construction Practice – Rev B [REP1-041]: “ <i>In the event watercourses are considered to support fish populations by the ECoW and, pumps are to be used, 2mm screens will be installed to prevent the entrapment/entrainment of fish.</i> ”	<i>EA is satisfied the wording addresses the issue raised and is now “agreed”.</i>	Agreed
Flood Risk and Emergency Flood Plan			
The Environment Agency does not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. We note that a plan has not been submitted, the Local Authorities may wish for their emergency planners and the emergency services to determine whether the proposals are safe in accordance with paragraph 173 of the NPPF and the guiding principles of the PPG.	Section 4.8 of 9.21 Code of Construction Practice - Rev B [REP1-041] sets out VE’s approach to Flood Management and Response, and confirms the commitment for the Principal Contractor(s) to sign up to the Environment Agency Flood Alerts and Floodline flood warning services. “ <i>Any works in a floodplain will incorporate measures to minimise possible obstruction or deviation of floodwater. For example, this will include leaving gaps in soil stockpiles, minimising the height of possible raised structures (e.g. access tracks and working areas). The contractor will implement measures to manage runoff, particularly to limit runoff directly to roads. These control measures for managing runoff and minimising risk of water pollution include, in line with the Guidance for Consultants and Contractors CIRIA (C532) (CIRIA 2001), but not limited to:</i>	<i>EA is satisfied the wording addresses the issue raised and is now “agreed”.</i>	Agreed

	> The Principal Contractor will sign up to the Environment Agency Flood Alerts and 'Floodline' flood warning services; > Visual checks on flood defences, watercourses and drainage culverts will be carried out following a flood event within the working area will be undertaken after any significant weather event. Any signs of degradation reported to the EA and relevant landowner immediately; > Debris on site will be safely contained, reducing the risk of large items entering the flood flow; > Monitoring of construction drainage sediment traps (visual inspection) with increased monitoring during inclement weather. If required these traps can be pumped via settling tanks to remove sediment, based on a pre-defined level / depth of sediment; and > Machinery will be stored or returned to areas of hard standings, preferably remote from flood waters, or where this is not possible, sufficiently constrained so as not to wash away. Flood response awareness and procedures will be included in the principal contractors Emergency Response Procedure (ERP) where there are works near to a flood zone or residual risk existing from coastal flood defence failure and the risk of tidal flooding to any landfall activities on the seaward side of coastal defences during the construction phase. In the unlikely event of a flood emergency the Principal Contractor will follow its specific flood warning and evacuation plans"		
Protective Provisions			
The Environment Agency notes that the Applicant is seeking to dis-apply environmental permits for flood risk activities through the use of Protective Provisions. This would apply for flood risk activities for work in, under, over or within 8 metres (m) from a fluvial main river and from any flood defence structure or culvert or 16m from a tidal main river and from any flood defence structure or culvert.	Applicant has provided Protective Provisions with the dDCO. Once comments are received on the current draft, the Applicant is proposing to update these to address a number of points identified in the Statement of Common Ground. These updates include: • Seawall monitoring • Provision of as-builts • Identification marking • Control of heavy vehicles over existing outfall. •	The Environment Agency are liaising internally on is happy with the proposed Protective Provisions and will respond to the Applicant to seek to agree the Protective Provisionsthis is now agreed	Under discussion Agreed
Property and other assets			
The EA hold the freehold of Plot 01-005 Manor Way. VE require access rights over this. The EA confirmed there would be a maximum vehicle weight for vehicles going over it or would need to have an agreed approach for heavier vehicles.	The Applicant confirmed that vehicles above a certain weight over the outfall can be controlled, and if necessary additional controls put in place and that this would be managed through the Protective Provisions.	The Environment Agency is satisfied subject towith the agreementinclusion of this restriction in the Protective Provision that is issue is addressed. ItProvisions. However, this remains under discussion until the Protective Provisions are a property licence is agreed.	Under discussion
Development Consent Order			
<u>The EA noted it is reviewing dDCO and will advise of any comments as soon as possible.</u>	<u>The Applicant notes this and awaits comments.</u>	<u>The Environment Agency is content it has no further comments on the dDCO.</u>	Agreed



~~The EA noted it is reviewing dDCO and will advise of any comments as soon as possible. Disapplication of regulation 12 (requirement for environmental permit) of the 2016 regulations in respect of a flood risk activity only~~

The Applicant notes this is controlled by the Protective Provisions EA consents to disapplication of regulation 12 of the Environmental Permitting (England and Wales) Regulations 2016 for the purposes of s150 of the Planning Act 2008'

~~Further discussion with the Applicant may be required following the completion of the Environment Agency review. The EA consents to the disapplication of regulation 12 of the Environmental Permitting (England and Wales) Regulations 2016 for the purposes of s150 of the Planning Act 2008 in respect of a flood risk activity only.~~

Under discussion
Agreed

FIVE
ESTUARIES
OFFSHORE WIND FARM

PHONE
EMAIL
WEBSITE
ADDRESS

COMPANY NO

0333 880 5306

fiveestuaries@rwe.com

www.fiveestuaries.co.uk

Five Estuaries Offshore Wind Farm Ltd
Windmill Hill Business Park
Whitehill Way, Swindon, SN5 6PB
Registered in England and Wales
company number 12292474

