The Planning Inspectorate
Temple Quay House
Bristol
BS1 6PN

Our ref: XA/2025/100350/02-L01
Your ref: EN020026

Date: 09 December 2025

To whom it may concern

ENVIRONMENT AGENCY RESPONSE TO DOCUMENTS SUBMITTED AT DEADLINE 1.

SEA LINK, EAST ANGLIA AND KENT

This response constitutes the Environment Agency's Deadline 2 response. We have reviewed the Deadline 1 submissions, specifically the Applicant's Late Deadline 1 Submission - 9.34.1 Applicant's Detailed Responses to Relevant Representations identified by the ExA - Accepted at the discretion of the Examining Authority [REP1-111] and the other application documents that have been updated since submission.

Following our review, we respond to the outstanding issues raised within our Relevant Representation [RR-1586] (dated 23 June 2025, ref. XA/2025/100350/01-L01) in turn below.

A summary of our position is provided within Appendix A to this letter.

Please note, we are unable to provide a response to a number of issues. We will endeavour to get a response to you as soon as possible on the following issues:

- EA033
- EA034
- EA035
- EA040
- EA041
- EA043
- EA044
- EA045
- EA046
- EA065
- EA069
- EA070
- EA089

Yours faithfully

Morgan Haringman
Planning Specialist

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EA001 Biodiversity
We do not consider this issue resolved.

We raised concerns that construction work near watercourses during the night have a high potential to disturb nocturnal protected species (otters).

Commitment B25 & B46 of Document Late Deadline 1 Submission - 7.5.3.2 (B) CEMP Appendix B Register of Environmental Actions and Commitments (REAC) (Clean) - Accepted at the discretion of the Examining Authority [REP1-102] do not address potential noise and vibration disturbance to nocturnal wildlife. The Construction Environmental Management Plan (CEMP) and Construction Noise and Vibration Management Plan (NVMP) (NV01) should include wildlife (namely nocturnal protected species) in addition to other 'sensitive receptors' and appropriate site-specific mitigation identified.

EA002 Biodiversity
We do not consider this issue resolved.

We raised concerns regarding the temporary habitat loss to protected species, and the precautionary approach taken would not appropriately manage the impacts to ecological receptors.

Document Late Deadline 1 Submission - 7.5.3.2 (B) CEMP Appendix B Register of Environmental Actions and Commitments (REAC) (Clean) - Accepted at the discretion of the Examining Authority [REP1-102] Biodiversity highlights protections through Code of Construction Practice (CoCP) measures B01 to B10. This partially addresses our concerns raised.

We require the document 7.5.7.1 (B) Outline Landscape and Ecological Management Plan - Suffolk (Clean) [AS-059] Section 5.2.3 to be updated to include riparian planting of mature emergent vegetation. This will ensure clarity, address previous concerns about natural recolonisation and the resulting predation risks for water voles.

EA003 Biodiversity
We are satisfied and consider this issue resolved.

The development proposed to culvert multiple watercourse crossings. We maintain a anti-culverting policy for watercourses, due to their impacts to Water Framework Directive and biodiversity receptors.

We engaged with the applicant’s project team 15 August 2025. The proposed culvert designs, including specifications for dimensions, and installation methodologies,

were presented and thoroughly reviewed. These designs provided adequate evidence of the applicant's intent to adhere to relevant water management and environmental standards for ordinary watercourses.

Following this meeting, we stated to the applicant that we'd resolve this issue in regard to ordinary watercourses. We further stated we would differ to the Internal Drainage Board (IDB) and Lead Local Flood Authority (LLFA), in regards to reviewing individual culvert design appropriateness for WFD water quality and flood risk respectively. No culverts were proposed for main rivers.

EA004 Biodiversity
We do not consider this issue resolved.

We raised concerns that a riparian buffer zone of 8m from the bank-top of all watercourses should be maintained.

The applicant has updated Document Late Deadline 1 Submission - 7.5.3.2 (B) CEMP Appendix B Register of Environmental Actions and Commitments (REAC) (Clean) - Accepted at the discretion of the Examining Authority [REP1-102] to outline reference GG14 (storage of fuels, oils & chemicals) 10m, GG15 (no buffer dimensions provided), W02 (10m in relation to refuelling), GH05 (hazardous materials to water quality) 10m.

A uniform buffer of 10m for all construction and associated activities such as refuelling and storage of materials is acceptable, however this has not been explicitly reflected in GG15 [REP1-102]. We require this to be updated.

EA005 Biodiversity
We are satisfied and consider this issue resolved.

Measure B01 of the 7.5.3.1 CEMP Appendix A Outline Code of Construction Practice [APP-341] was vague regarding the protected species licences.

The applicant has revised measure B01 of Document Late Deadline 1 Submission - 7.5.3.2 (B) CEMP Appendix B Register of Environmental Actions and Commitments (REAC) (Clean) - Accepted at the discretion of the Examining Authority [REP1-102] to include the following 'Should protected species be identified during construction that require a licenced, works in that location will be stopped, when safe to do so, until an appropriate licence is in place.' We consider this to be satisfactory.

EA006 Biodiversity
We are satisfied and consider this issue resolved.

The applicants 6.12 Biodiversity Net Gain Feasibility Report [APP-297] excluded the Kent intertidal habitats from impacts to Horizontal Directional Drilling (HDD).

The applicant has made a commitment to not use open trenched methods within the Kent intertidal zone, resulting in no habitat loss. The applicant's 6.12 (B) Biodiversity Net Gain Feasibility Report (Clean) [AS-055] was updated to include the intertidal area. The Document Late Deadline 1 Submission - 9.13 Pegwell Bay Construction Method Technical Note - Accepted at the discretion of the Examining Authority [REP1-108] further outlines the construction methodology within the Kent intertidal area and provides the appropriate details to resolve the issue.

EA007 Biodiversity
We are satisfied and consider this issue resolved.

The applicant had made reference to European Mink within Document: 6.2.3.2 Part 3 Kent Chapter 2 Ecology and Biodiversity [APP-062], this Invasive species has not been present in the UK.

The applicant has updated Document: Late Deadline 1 Submission - 6.2.2.2 (C) Part 2 Suffolk Chapter 2 Ecology and Biodiversity (Clean) - Accepted at the discretion of the Examining Authority [REP1-047] to refer to American mink. We agree with this correction and consider this issue resolved.

EA008 Biodiversity
We are satisfied and consider this issue resolved.

We raised concerns that beavers would be impacted via the development.

The applicant has outlined that updated protected species surveys will be required prior to works taking place, including surveys for beavers. If there is evidence of the presence of beavers, the appropriate licences and procedures will be obtained. This was secured in the document 7.5.7.1 (B) Outline Landscape and Ecological Management Plan - Suffolk (Clean) [AS-059].

The probability of beavers, their resting places and foraging sites being encountered remains very high.

See page 8 of *Assessment of wild living beaver populations in East Kent* at **https://publications.naturalengland.org.uk/file/5293201880252416**

EA009 Fisheries
We do not consider this issue resolved.

We raised concerns that Brook Lamprey had been omitted from a Document 6.2.2.2 Part 2 Suffolk Chapter 2 Ecology and Biodiversity [APP-049].

The desk study in Late Deadline 1 Submission - 7.5.4.2 (B) Outline Onshore Overarching Written Scheme of Investigation (OWSI) - Kent (Clean) - Accepted at the discretion of the Examining Authority [REP1-104] recorded brook lamprey in the River Fromus, and this should be reflected in Late Deadline 1 Submission - 6.2.2.2 (C) Part 2 Suffolk Chapter 2 Ecology and Biodiversity (Clean) - Accepted at the discretion of the Examining Authority [REP1-047]. As brook lamprey have been recorded in the Fromus and given that a single survey may not capture their true status, fish populations fluctuate annually and lamprey can burrow into fine sediment, making detection difficult. It is precautionary and appropriate to explicitly note brook lamprey as historically present in the document Late Deadline 1 Submission - 6.2.2.2 (C) Part 2 Suffolk Chapter 2 Ecology and Biodiversity (Clean) - Accepted at the discretion of the Examining Authority [REP1-047]. Sections 2.7.72-74 should be updated to include brook lamprey.

We acknowledge that the mitigation measures in place are considered sufficient to protect brook lamprey where present. However we require brook lamprey to be included in Late Deadline 1 Submission - 6.2.2.2 (C) Part 2 Suffolk Chapter 2 Ecology and Biodiversity (Clean) - Accepted at the discretion of the Examining Authority Biodiversity [REP1-047].

EA010 Fisheries
We do not consider this issue resolved.

We raised concerns that Brook Lamprey had been omitted from document Document 6.2.2.2 Part 2 Suffolk Chapter 2 Ecology and Biodiversity [APP-049].

Currently, Late Deadline 1 Submission - 6.2.2.2 (C) Part 2 Suffolk Chapter 2 Ecology and Biodiversity (Clean) - Accepted at the discretion of the Examining Authority Biodiversity [REP1-047] references European eel and brown trout, but omits brook lamprey. Sections 2.7.72-74 should be updated to include brook lamprey in Late Deadline 1 Submission - 6.2.2.2 (C) Part 2 Suffolk Chapter 2 Ecology and Biodiversity (Clean) - Accepted at the discretion of the Examining Authority Biodiversity [REP1-047].

The mitigation measures outlined in Late Deadline 1 Submission - 6.2.2.2 (C) Part 2 Suffolk Chapter 2 Ecology and Biodiversity (Clean) - Accepted at the discretion of the

Examining Authority Biodiversity [REP1-047] are considered sufficient to protect brook lamprey where present.

Please see EA009 above.

EA011 Fisheries
We consider this issue resolved.

We raised concerns that the records of European Smelt being omitted and would be impacted by the development.

We agree with the applicants conclusions stated in section 1.4.29 of Document: 6.3.2.2.F Part 2 Suffolk Chapter 2 Appendix 2.2.F Aquatic Ecology Survey Report [APP-104], that it is unlikely that smelt will be present in the immediate reach of the Fromus crossing, given habitat conditions.

EA012 Fisheries
We do not consider this issue resolved.

We raised concerns regarding the description of Eel and Brook Lamprey assemblages in Document: 6.3.2.2.F Part 2 Suffolk Chapter 2 Appendix 2.2.F Aquatic Ecology Survey Report [APP-104].

The desk study in Document: 6.3.2.2.F Part 2 Suffolk Chapter 2 Appendix 2.2.F Aquatic Ecology Survey Report [APP-104] recorded brook lamprey in the River Fromus, and this should be reflected in Late Deadline 1 Submission - 6.2.2.2 (C) Part 2 Suffolk Chapter 2 Ecology and Biodiversity (Clean) - Accepted at the discretion of the Examining Authority Biodiversity [REP1-047]. As brook lamprey have been recorded in the Fromus and given that a single survey may not capture their true status, fish populations fluctuate annually and lamprey can burrow into fine sediment, making detection difficult. It is precautionary and appropriate to explicitly note brook lamprey as historically present in the document Late Deadline 1 Submission - 6.2.2.2 (C) Part 2 Suffolk Chapter 2 Ecology and Biodiversity (Clean) - Accepted at the discretion of the Examining Authority Biodiversity [REP1-047]. Sections 2.7.72-74 should be updated to include brook lamprey.

The mitigation measures outlined Late Deadline 1 Submission - 6.2.2.2 (C) Part 2 Suffolk Chapter 2 Ecology and Biodiversity (Clean) - Accepted at the discretion of the Examining Authority Biodiversity [REP1-047] are considered sufficient to protect brook lamprey where present.

Please see EA009 and EA010 above.

EA013 Fisheries
We do not consider this issue resolved; however we believe good progress has been made towards a resolution with the applicant's project team.

We have engaged with the project team on the matter of the Fromus Crossing's soffit height and its potential impacts to WFD weak dispersing polarotactic invertebrates. Initially we proposed a requirement for a 5m soffit height, including a monitoring and contingency plan for the invertebrates. The project team reviewed the wording for this requirement, and made proposals for adjusting its wording.

We have since readjusted our position, to request a requirement for a soffit height of 4m, including a monitoring and contingency plan for the invertebrates. We informed the project team on 23 October 2025. Our legal department is currently viewing the wording to this requirement, and will respond in due course. Once we have confirmed the wording with our legal department, we will send to the project team for a final review. Following this, we will request it to be input into the draft Development Consent Order.

We will mark this issue as resolved, once we have reviewed a draft of the Development Consent Order with the wording for the requirement included.

EA014 Fisheries
We consider this issue resolved.

We raised concerns that European Smelt would be impacted by the development.

We agree with the applicants conclusions stated in section 1.4.29 of Document: 6.3.2.2.F Part 2 Suffolk Chapter 2 Appendix 2.2.F Aquatic Ecology Survey Report [APP-104], that it is unlikely that smelt will be present in the immediate reach of the Fromus crossing given habitat conditions. We agree that mitigation provided is suitable in protecting any smelt spawning habitat downstream.

EA015 Fisheries
We consider this issue resolved.

We raised concerns that impacts to Eel were not properly assessed and understood regarding the proposed Suffolk landfall site, Ore/Alde and Minsmere Old River, and along the Suffolk coast.

The applicant has addressed these concerns in sections:

- 4.2.33,4.2.37 and 4.2.41 of document 6.9 Water Framework Directive [APP-293].
- Mitigations were provided 4.2.2, 4.2.12, 4.2.20 of document 6.9 Water Framework Directive [APP-293].
- Mitigations were provided in the 6.2.4.3 (B) Part 4 Marine Chapter 3 Fish and Shellfish Ecology (Clean) - Applicants response to Section 51 Advice issued on 23 April 2025 - Accepted at the discretion of the Examining Authority [AS-022].

EA016 Fisheries
We consider this issue resolved.

We requested further detail regarding thermal plume impacts on Smelt from combined thermal plumes from cables and inter project thermal plumes.

We agree with the applicants response outlined in Document: 6.2.4.3 (B) Part 4 Marine Chapter 3 Fish and Shellfish Ecology (Clean) - Applicants response to Section 51 Advice issued on 23 April 2025 - Accepted at the discretion of the Examining Authority [AS-022] that impacts to smelt are negligible given the availability of water column above 500mm of thermal uplift zone and justification provided in Document Late Deadline 1 Submission - 9.34.1 Applicant's Detailed Responses to Relevant Representations identified by the ExA - Accepted at the discretion of the Examining Authority [REP1-111] reference 2.4.8.B

EA017 Fisheries
We consider this issue resolved.

We were concerned the data used regarding trout.

We agree with the applicant approach outlined in section 4.2.29 of document 6.9 Water Framework Directive [APP-293] that the species are assumed to be present for the worst case scenario assessment of the Environmental Assessment.

EA018 Fisheries
We consider this issue resolved.

We raised that The Salmon and Freshwater Fisheries act 1975 and Eels Regulations 2009 had not been included in the relevant list of legislation.

The applicant provided clarification how the regulations and legislation were considered and compiled over its documentation 6.3.2.2.F ES Appendix 2.2.F Aquatic Ecology Survey Report [APP-104] and the 6.2.2.2 Part 2 Suffolk Chapter 2 Ecology and Biodiversity [APP-049] superseded by document Late Deadline 1 Submission - 6.2.2.2 (C) Part 2 Suffolk Chapter 2 Ecology and Biodiversity (Clean) - Accepted at the discretion of the Examining Authority [REP1-047].

EA019 Fisheries
We do not consider this issue resolved.

Our concern relates to the noise impacts to fish from cable excavation.

The sound pressure level quoted in reference 2.4.11 B of document Late Deadline 1 Submission - 9.34.1 Applicant's Detailed Responses to Relevant Representations identified by the ExA - Accepted at the discretion of the Examining Authority [REP1-111] is unweighted, and therefore does not provide any context as to how different species of fish may perceive the sound. Please note this issue is specifically regarding diadromous fish.

Updates should be made to document 6.2.4.3 (B) Part 4 Marine Chapter 3 Fish and Shellfish Ecology (Clean) - Applicants response to Section 51 Advice issued on 23 April 2025 - Accepted at the discretion of the Examining Authority [AS-022] and the applicant should consider the cable excavation operations against the noise criteria set out in Popper *et al* (2014) where the risk to fish can be presented in the near, intermediate and far distances from source.

EA020 Fisheries
We are satisfied and consider this issue resolved.

We raised concern regarding proposed culverts outlined in the project design. We raised this issue as we maintain an anti-culverting policy for watercourses, due to their impacts to fish spawning habitats and WFD status of the waterbody.

We engaged with the applicant’s project team on 15 August 2025. The proposed culvert designs, including specifications for dimensions and installation methodologies were presented and thoroughly reviewed. These designs provided adequate evidence of the applicant's intent to adhere to relevant water management and environmental standards for ordinary watercourses.

Following this meeting, we stated to the applicant that we'd resolve this issue in regard to ordinary watercourses. As culverts are only proposed on ordinary watercourses, we differ to the Internal Drainage Board (IDB) and Lead Local Flood Authority (LLFA), in regards to reviewing individual culvert design appropriateness for WFD water quality and flood risk respectively. No culverts are proposed for main rivers.

EA021 Fisheries
We consider this issue resolved.

We were concerned that control and management measures have not considered European eel (*Anguilla anguilla*) in the Document 7.5.3.1 CEMP Appendix A Outline Code of Construction Practice [APP-341].

European eel are likely to be within the sediment in estuarine and intertidal areas and are at risk from disturbances from noise, any dredgings or jetting construction activities. The Eel (England and Wales) Regulations 2009 apply to any diversion structure that is capable of abstracting at least 20 cubic metres of water through any one point in any 24-hour period. These criteria may be met by such activities as jetting, and as such, the risk to European eel should be assessed when details of the location and specifications of the equipment being used for sediment removal or dispersal are known.

After consulting the Marine Management Organisation (MMO) with regards to the above activities, it is understood the above activities would require an Eels exemption, with the MMO as the discharging authority. The MMO outline within their protective provisions Schedule 16 Deemed Marine Licence Under The 2009 Act, Part 2, Pre-construction plans and documentation 4. –(1) to (3) of the Late Deadline 1 Submission - 3.1(E) draft Development Consent Order (Clean) - Accepted at the discretion of the Examining Authority [REP1-036] that the Environment Agency would be consulted on the licence applications for pre-construction plans that would impact Eels. We therefore consider this issue resolved.

EA022 Fisheries
We are satisfied and consider this issue resolved.

Their were inconsistencies in the pilling techniques outlined in Document 6.2.2.2 Part 2 Suffolk Chapter 2 Ecology and Biodiversity [APP-049] and Document 6.9 Water Framework Directive Assessment [APP-293].

The applicant has outlined the commitment B10 of Document Late Deadline 1 Submission - 7.5.3.2 (B) CEMP Appendix B Register of Environmental Actions and Commitments (REAC) (Clean) - Accepted at the discretion of the Examining Authority [REP1-102] and we are satisfied this secures the appropriate pilling techniques that reduce the impacts to sensitive fish receptors.

EA023 Fisheries
We are satisfied and consider this issue resolved.

We raised concerns regarding the entrapment of fish into permanent outfalls.

The applicant has provided appropriate mitigation measures in section 2.8.5 of Document 6.2.3.2 (C) Part 3 Kent Chapter 2 Ecology and Biodiversity (Clean) This document has been superseded by REP1-049 [PDA-021] that explain commitment B18 of Document Late Deadline 1 Submission - 7.5.3.2 (B) CEMP Appendix B Register of Environmental Actions and Commitments (REAC) (Clean) - Accepted at the discretion of the Examining Authority [REP1-102]. We agree with the measures provided that would make outfalls inaccessible to other fish species.

EA024 Fisheries
We are satisfied and consider this issue resolved.

We raised concerns that impacts to Sea Trout would be impacted within the River Stour catchment.

The applicant has acknowledged in document 6.9 Water Framework Directive Assessment [APP-293] assess the risk to Brown/Sea Trout and notes they are widely distributed across the UK and attempts to enter most South coast rivers. The applicant notes that Sea Trout are in the River Stour and the assessment of impacts and likely significant effects are noted in Document Late Deadline 1 Submission - 6.2.3.2 (D) Part 3 Kent Chapter 2 Ecology and Biodiversity (Clean) - Accepted at the discretion of the Examining Authority [REP1-049] and Document 6.9 Water Framework Directive Assessment [APP-293].

EA025 Geomorphology
We are satisfied and consider this issue resolved.

We raised concern regarding proposed culverts outlined in the project design. We raised this issue as we maintain an anti-culverting policy for watercourses, due to their impacts to the WFD status of the waterbody.

We engaged with the applicant's project team on 15 August 2025. The proposed culvert designs, including specifications for dimensions and installation methodologies were presented and thoroughly reviewed. These designs provided adequate evidence of the applicant's intent to adhere to relevant water management and environmental standards for ordinary watercourses.

Following this meeting, we stated to the applicant that we'd resolve this issue in regard to ordinary watercourses. As culverts are only proposed on ordinary watercourses, we differ to the Internal Drainage Board (IDB) and Lead Local Flood Authority (LLFA), in regards to reviewing individual culvert design appropriateness for WFD water quality and flood risk respectively. No culverts are proposed for main rivers.

EA026 Geomorphology
We are satisfied and consider this issue resolved.

We were concerned that there was an omission of quantitative assessment of possible scour via shear strength modelling.

The project team was able to share the following documents:

- Document [PDA-037] 9.20.1: Landfall Sediment Modelling Report Aldeburgh" by ABPmer.
- Document [PDA-038] 9.20.2: Landfall Sediment Modelling Report Pegwell Bay" by ABPmer.

For the landfall area within Suffolk, the design appeared to consider the current erosion rate and anticipated foreshore lowering. Cable burial depths, shown in the cross-sections, reflected these considerations. The report highlighted the sheltered/low energy nature of Pegwell Bay, with limited amounts of sediment input and reduced wave climate due to the protection of the Goodwin Sands.

We concluded that the impacts would not be large enough at a waterbody scale to affect Water Framework Directive (WFD) water quality. We subsequently submitted a response letter (dated 14 November 2025, ref.XA/2025/100429/02-L01) stating that we were content to resolve the issue.

EA027 Geomorphology
We are satisfied and consider this issue resolved.

We were concerned that sediment disturbance at landfall locations was not characterised.

The project team was able to share the following documents:

- Document [PDA-037] 9.20.1: Landfall Sediment Modelling Report Aldeburgh" by ABPmer.
- Document [PDA-038] 9.20.2: Landfall Sediment Modelling Report Pegwell Bay" by ABPmer.

For the landfall area within Suffolk, the design appeared to consider the current erosion rate and anticipated foreshore lowering. Cable burial depths, shown in the cross-sections, reflected these considerations. The report highlighted the sheltered/low energy nature of Pegwell Bay, with limited amounts of sediment input and reduced wave climate due to the protection of the Goodwin Sands.

We concluded that the impacts would not be large enough at a waterbody scale to affect Water Framework Directive (WFD) water quality. We subsequently submitted a response letter (dated 14 November 2025, ref.XA/2025/100429/02-L01) stating that we were content to resolve the issue.

EA028 Geomorphology

We are satisfied and consider this issue resolved.

We raised concern regarding proposed culverts outlined in the project design. We raised this issue as we maintain an anti-culverting policy for watercourses, due to their impacts to the WFD status of the waterbody.

We engaged with the applicant's project team on 15 August 2025. The proposed culvert designs, including specifications for dimensions and installation methodologies were presented and thoroughly reviewed. These designs provided adequate evidence of the applicant's intent to adhere to relevant water management and environmental standards for ordinary watercourses.

Following this meeting, we stated to the applicant that we'd resolve this issue in regard to ordinary watercourses. As culverts are only proposed on ordinary watercourses, we differ to the Internal Drainage Board (IDB) and Lead Local Flood Authority (LLFA), in regards to reviewing individual culvert design appropriateness for WFD water quality and flood risk respectively. No culverts are proposed for main rivers.

EA029 Geomorphology

We are satisfied and consider this issue resolved.

We previously raised that cable protection measures, such as rock bags/mattresses, may interfere with sediment transport pathways.

Following review of the Applicant's response in Document Late Deadline 1 Submission - 7.5.3.2 (B) CEMP Appendix B Register of Environmental Actions and Commitments (REAC) (Tracked) - Accepted at the discretion of the Examining Authority [REP1-103], the applicant is intending to avoid the Coraline Crag outcrop as much as is possible. Furthermore, we are content their appointed contractors will microsite the exit points as far away from the outcrop as possible, following seafloor surveys and ground investigations.

We recommend that the site is subject to monitoring following the installation of the cable works, in order to determine if there will be any short/long term effects from the works that may cause alterations in sediment transport characteristics. If there are perceived effects, then mitigation should be considered necessary.

EA030 Geomorphology
We are satisfied and consider this issue resolved.

We previously raised that the drilling breakout point was in a high risk-location.

Following review of the Applicant's response in Document Late Deadline 1 Submission - 7.5.3.2 (B) CEMP Appendix B Register of Environmental Actions and Commitments (REAC) (Tracked) - Accepted at the discretion of the Examining Authority [REP1-103], the applicant is intending to avoid the Coraline Crag outcrop as much as is possible. Furthermore, we are content their appointed contractors will microsite the exit points as far away from the outcrop as possible, following seafloor surveys and ground investigations.

We recommend the site is subject to monitoring following the installation of the cable works, in order to determine if there will be any short/long term effects from works that may cause alterations in sediment transport characteristics. If there are perceived effects, then mitigation should be considered necessary.

EA031 Geomorphology
We are satisfied and consider this issue resolved.

We were concerned the applicant had completed an inappropriate assessment of the sensitivity of the morphology at Pegwell Bay.

The applicant provided their response within Document Late Deadline 1 Submission - 9.34.1 Applicant's Detailed Responses to Relevant Representations identified by the ExA - Accepted at the discretion of the Examining Authority [REP1-111]. We agree with the discussion provided as the biological impacts will be limited.

EA032 Geomorphology
We do not consider this issue resolved.

We were concerned that the cable burial depth would not be deep enough to avoid the moving mouth of the River Stour. We requested that the cables be buried a minimum 3m below the bed of the low flow of the channel of the mouth of the Stour.

The Applicant provided Document 9.20.2 Landfall Sediment Modelling Report Pegwell Bay [PDA-038]. The Applicant has outlined their conclusion on this report regarding the River Stour low water channel migration and the installed cables. They assert that recent trends in migration of the channel, and the ongoing use of channel management practices (i.e. dredging), are unlikely to result in the migration of the channel across the installed cables during the lifetime of the asset. The applicant concludes that a 1.5m target depth of lay is sufficient.

The report does not conclude that the mouth of the Stour will not move across the route of the cable. It states it is still a risk, and gives evidence which suggests it is more likely. It states that historical data shows the mouth of the river has recently increased its speed of movement northward from 4m per year, to 7.8 m per year. Based on a 50-year project life span, this means the mouth of the Stour will move directly into the cable route which is around 390 m north of the present channel.

The report states there is evidence of an old meandering river channel in LIDAR data where the cable is to be routed. There is an equilibrium between the rate of longshore transport from the south and the tidal prism of the estuary. A larger tidal prism can be achieved by the channel moving northwards. It is likely the tidal prism will reduce with sea level rise as it is forced upwards against flood embankments further inland. To counteract this, it is highly possible the rate of northward migration may increase in speed rather than remaining at the same rate. This kind of behaviour has been observed in one other uncontrolled estuary mouth in Kent.

In order to mitigate for the risk, as stated in our previous relevant representation response, we require the depth of the cable to be deeper than the mouth of low flow Stour channel. Alternatively, the cable route needs moving further north away from the mouth of the Stour. The Applicant should also provide a comparison of the depth of the mouth of the low flow Stour channel with the likely depth of the cable.

EA033 Water Resources
We are unable to provide a response on this matter at this time. We will endeavour to provide a response on this issue as soon as possible, as part of a separate submission.

EA034 Water Resources
We are unable to provide a response on this matter at this time. We will endeavour to provide a response on this issue as soon as possible, as part of a separate submission.

EA035 Water Resources
We are unable to provide a response on this matter at this time. We will endeavour to provide a response on this issue as soon as possible, as part of a separate submission.

EA036 Marine
We are satisfied and consider this issue resolved.

We were concerned the characterisation of Invasive Non-Native Species (INNS) dispersion was inappropriate.

The regional approach for the identification of INNs has been clarified by the Applicant within the Document 7.7 (B) Marine Biosecurity Plan (Clean) [REP1-023] and Document 7.5.12 (B) Outline Offshore Invasive Non-Native Species Management Plan (Clean) [REP1-027].

EA037 Marine
We are satisfied and consider this issue resolved.

We were concerned Red Ripple Bryozoan (*Watersipora subatra*) was not included in the Marine Biosecurity Plan.

The Applicant has now added this to the list of species in the Document 7.7 (B) Marine Biosecurity Plan (Clean) [REP1-023]. However, we could not find reference to it in the Document 7.5.12 (B) Outline Offshore Invasive Non-Native Species Management Plan (Clean) [REP1-027].

EA038 Marine
We are satisfied and consider this issue resolved.

We were concerned that a sentence relating to the project's influence on the introduction or spread of Invasive Non-Native Species (INNS) was left incomplete.

The Applicant has clarified that the use of "as" was a mistake.

EA039 Marine
We are satisfied and consider this issue resolved.

We were concerned as there was a lack of clarity regarding how large plant and equipment will arrive to the HDD exit point in the intertidal environment.

The Applicant has provided a commitment (B67) which resolves our concerns in the Document Late Deadline 1 Submission - 7.5.3.2 (B) CEMP Appendix B Register of Environmental Actions and Commitments (REAC) (Clean) - Accepted at the discretion of the Examining Authority [REP1-102].

EA040 Water Quality
We are unable to provide a response on this matter at this time. We will endeavour to provide a response on this issue as soon as possible, as part of a separate submission.

EA041 Water Quality
We are unable to provide a response on this matter at this time. We will endeavour to provide a response on this issue as soon as possible, as part of a separate submission.

EA042 Water Quality
We are satisfied and consider this issue resolved.

We were initially concerned for the potential use of herbicides to remove vegetations from the temporary culvert location near watercourses.

The Applicant has now added mitigation commitment W29 in Late Deadline 1 Submission - 7.5.3.2 (B) CEMP Appendix B Register of Environmental Actions and

Commitments (REAC) (Tracked) - Accepted at the discretion of the Examining Authority [REP1-103], which resolves our concerns.

EA043 Water Quality
We are unable to provide a response on this matter at this time. We will endeavour to provide a response on this issue as soon as possible, as part of a separate submission.

EA044 Water Quality
We are unable to provide a response on this matter at this time. We will endeavour to provide a response on this issue as soon as possible, as part of a separate submission.

EA045 Water Quality
We are unable to provide a response on this matter at this time. We will endeavour to provide a response on this issue as soon as possible, as part of a separate submission.

EA046 Water Quality
We are unable to provide a response on this matter at this time. We will endeavour to provide a response on this issue as soon as possible, as part of a separate submission.

EA047 Water Quality
We are satisfied and consider this issue resolved.

We raised concerns the impacts of HDD drilling would impact Pegwell Bay, via recuing the water quality and damage the saltmarsh. We requested a HDD break out plan be outlined.

The Applicant's response in Document 7.3 Design Development Report [APP-321] and commitments GH02, GH09 and GH10 made in the Document Late Deadline 1 Submission - 7.5.3.2 (B) CEMP Appendix B Register of Environmental Actions and Commitments (REAC) (Clean) - Accepted at the discretion of the Examining Authority Register of Environmental Actions and Commitments [REP1-102] have provided the appropriate assurances the HDD drilling breakout plan will be secured.

EA048 and EA049 Waste

We do not consider this issue resolved.

We previously raised that not all relevant waste legislation or waste types were mentioned in the 7.5.3 Outline Onshore Construction Environment Management Plan [APP-340].

We note the applicant's response stating that a "*Material and Wate Management Plan [is] to be produced and approved by the appropriate discharging authority prior to construction. This plan, when produced, will include reference to all relevant waste legislation and waste classifications.*"

We are content with this approach. However, we need confidence that we will be consulted on this plan in due course. Under Appendix Y of our relevant representation response letter, we requested to be consulted on the Material and Waste Management Plan.

For this to be resolved, we require the wording for requirement 6 of the Late Deadline 1 Submission - 3.1(E) draft Development Consent Order (Clean) - Accepted at the discretion of the Examining Authority [REP1-036] to be amended to include the wording "approved by the relevant authority, in consultation with the Environment Agency" specifically for (n) Material and Waste Management Plan.

EA050 Groundwater and Contaminated Land
We are satisfied and consider this issue resolved.

We raised concerns with the screening out of groundwater bodies in the Document 6.9 Water Framework Directive Assessment [APP-293]. The Applicant stated that we agreed to this action; however we had not. This was raised in previous consultation responses letter XA/2025/100236/01-L01, dated 11 February 2025. We stated that to resolve this issue, we required the applicant to ensure the Hydrogeological Risk Assessment (GH09) included an assessment of the HDD sections involving:

- Assessment of drilling muds
- HDD breakout plan
- Identification of receptors

The applicant response in Document 7.3 Design Development Report [APP-321] and commitments GH02, GH09 and GH10 made in the Late Deadline 1 Submission - 7.5.3.2 (B) CEMP Appendix B Register of Environmental Actions and Commitments (REAC) (Clean) - Accepted at the discretion of the Examining Authority [REP1-102] have provided the appropriate assurances that the HDD drilling breakout plan will be secured.

EA051 Groundwater and Contaminated Land
We are satisfied and consider this issue resolved.

The components of the drilling muds were not listed as being included in the “Frac Out Management Plan”.

The applicants response provided in Section 4.3 of the Groundwater Risk Assessments, Application Document 6.3.2.5.B ES Appendix 2.5.B Qualitative Groundwater Risk Assessment [APP-117] and Application Document 6.6.6.5.B Appendix 3.5.b Qualitative Groundwater Risk Assessment [APP-170], includes a sub section on “Unplanned losses of drilling fluids", and Paragraph 4.3.20 describes some of the details that would be included in the Frac Out Management Plan. We therefore consider this issue resolved.

EA052 Groundwater and Contaminated Land
We are satisfied and consider this issue resolved.

The Applicant used outdated guidance for “Piling and Penetrative Ground Improvement Methods On Land Affected by Contamination: Guidance on Pollution Prevention”.

The Applicant updated 7.5.3.1 CEMP Appendix A Outline Code of Construction Practice [APP-341] and document Late Deadline 1 Submission - 7.5.3.2 (B) CEMP Appendix B Register of Environmental Actions and Commitments (REAC) (Clean) - Accepted at the discretion of the Examining Authority [REP1-102]. This has resolved our concern.

EA053 Groundwater and Contaminated Land
We do not consider this issue resolved.

Previously we raised that the assessment of risks from heat generated by the cable to groundwater had been omitted.

We will not resolve this issue until issue EA054 GWCL has been resolved. Once issue EA054 has been resolved, we will consider that whether sufficient mitigation has been proposed resolve this issue.

EA054 Groundwater and Contaminated Land
We do not consider this issue resolved.

We initially raised that the wording for GH08 in Document 7.5.3.1 CEMP Appendix A Outline Code of Construction Practice [APP-341] was vague and therefore insufficient for managing risks to controlled waters.

We requested a requirement inclusive of the Unsuspected contamination wording (see below) to be included in the draft Development Consent Order.

"Unsuspected contamination

(1) In the event that contaminated land, including groundwater, is found at any time when carrying out the authorised development, which was not previously identified in the environmental statement, then no further development (unless otherwise approved in writing by the relevant authorities) shall be carried out within the identifiable perimeters of the area in which the suspected contamination is located. It must be reported as soon as reasonably practicable to the local planning authority, and where necessary, the Environment Agency, and the undertaker must complete a risk assessment of the contamination in consultation with the local planning authority, and where necessary, the Environment Agency.

(2) Where the undertaker determines that remediation of the contaminated land is necessary, a written scheme and programme for the remedial measures to be taken to render the land fit for its intended purpose must be submitted to and approved in writing by the local planning authority, following consultation with the Environment Agency.

(3) Remediation must be carried out in accordance with the approved scheme under sub paragraph (2).

(4) Following the implementation of the remediation strategy approved under sub-paragraph (2), a verification report, based on the data collected as part of the remediation strategy and demonstrating the completion of the remediation measures must be produced and supplied to the relevant planning authority and the Environment Agency."

The applicants have agreed to include this wording but neither the Late Deadline 1 Submission - 7.5.3.2 (B) CEMP Appendix B Register of Environmental Actions and Commitments (REAC) (Clean) - Accepted at the discretion of the Examining Authority [REP1-102] nor the Late Deadline 1 Submission - 3.1(E) draft Development Consent Order (Clean) - Accepted at the discretion of the Examining Authority [REP1-036] has yet been updated with our above requested wording.

EA055 Groundwater and Contaminated Land

We are satisfied and consider this issue resolved.

The Applicants control management measures GG17 of the Document 7.5.3.1 CEMP Appendix A Outline Code of Construction Practice [APP-341] risked wash water seeping into groundwater and deteriorate WFD quality waterbodies.

The applicant updated measure GG17 of Document Late Deadline 1 Submission - 7.5.3.2 (B) CEMP Appendix B Register of Environmental Actions and Commitments (REAC) (Clean) - Accepted at the discretion of the Examining Authority [REP1-102] to include the appropriate measures. We consider this issue resolved.

EA056 Groundwater and Contaminated Land
We are satisfied and consider this issue resolved.

The Applicant's Control Management Measure GG24 in the 7.5.3.2 CEMP Appendix B Register of Environmental Actions and Commitments (REAC) [APP-342] did not include informing the Environment Agency of an incident affecting the environment.

The Applicant updated the GG24 in the Late Deadline 1 Submission - 7.5.3.2 (B) CEMP Appendix B Register of Environmental Actions and Commitments (REAC) (Clean) - Accepted at the discretion of the Examining Authority [REP1-102] to include the appropriate measures. We consider this issue resolved.

EA057 Groundwater and Contaminated Land
We are satisfied and consider this issue resolved.

The Applicant's Control Management Measure W09 in the 7.5.3.2 CEMP Appendix B Register of Environmental Actions and Commitments (REAC) [APP-342] did not include informing the Environment Agency of a major incident.

The Applicant updated the W09 in the Late Deadline 1 Submission - 7.5.3.2 (B) CEMP Appendix B Register of Environmental Actions and Commitments (REAC) (Clean) - Accepted at the discretion of the Examining Authority [REP1-102] to include the appropriate measures. We consider this issue resolved.

EA058 Groundwater and Contaminated Land
We are satisfied and consider this issue resolved.

The Applicant's Control Management Measure GH10 in the7.5.3.2 CEMP Appendix B Register of Environmental Actions and Commitments (REAC) [APP-342] did not

make reference to the requirement of permits and exemptions/exclusions on the use of certain drilling fluids/additives.

The Applicant updated the GH10 in the Late Deadline 1 Submission - 7.5.3.2 (B) CEMP Appendix B Register of Environmental Actions and Commitments (REAC) (Clean) - Accepted at the discretion of the Examining Authority [REP1-102] to include the appropriate measures. We consider this issue resolved.

EA059 Groundwater and Contaminated Land
We are satisfied and consider this issue resolved.

The Applicant's Control Management Measure W08 and W09 in the 7.5.3.2 CEMP Appendix B Register of Environmental Actions and Commitments (REAC) [APP-342] did not make reference to mitigating the cause of any contamination of private water supplies.

The Applicant updated the W08 and W09 in the Late Deadline 1 Submission - 7.5.3.2 (B) CEMP Appendix B Register of Environmental Actions and Commitments (REAC) (Clean) - Accepted at the discretion of the Examining Authority [REP1-102] to include the appropriate measures. We consider this issue resolved.

EA060 Groundwater and Contaminated Land
We do not consider this issue resolved.

GH12 in the 7.5.3.2 CEMP Appendix B Register of Environmental Actions and Commitments (REAC) [APP-342], the superseded by document Late Deadline 1 Submission - 7.5.3.2 (B) CEMP Appendix B Register of Environmental Actions and Commitments (REAC) (Clean) - Accepted at the discretion of the Examining Authority [REP1-102] does not provide reassurance that if the most vulnerable areas cannot be avoided, that risks will consequently be assessed and managed.

The amendment to GH12 states "valuable areas", it should be vulnerable areas. Once this minor correction is made, we can then consider this item to be resolved.

EA061 Groundwater and Contaminated Land
We are satisfied and consider this issue resolved.

We previously highlighted that commitment GH02 in document 7.5.3.2 CEMP Appendix B Register of Environmental Actions and Commitments (REAC) [APP-342] requires a foundation works risk assessment (FWRA) to be undertaken for all

locations where trenchless crossings are proposed, but that the Environment Agency was not listed as to be consulted on the FWRA.

The Applicant has now updated measures GH02, GH05 and GH10 in the Late Deadline 1 Submission - 7.5.3.2 (B) CEMP Appendix B Register of Environmental Actions and Commitments (REAC) (Clean) - Accepted at the discretion of the Examining Authority [REP1-102]. We are content with this and consider this issue resolved.

EA062 Groundwater and Contaminated Land
We are satisfied and consider this issue resolved.

Previously we were concerned that control and management measures GH05 and GH10 did not mention the Environmental Permitting Regulations requirements in document 7.5.3.2 CEMP Appendix B Register of Environmental Actions and Commitments (REAC) [APP-342].

The Applicant has made an update to measures GH05 and GH10 in the Late Deadline 1 Submission - 7.5.3.2 (B) CEMP Appendix B Register of Environmental Actions and Commitments (REAC) (Clean) - Accepted at the discretion of the Examining Authority [REP1-102]. We are content with this and consider this issue resolved.

EA063 Groundwater and Contaminated Land
We are satisfied and consider this issue resolved.

Previously we raised concerns that ground investigations were inappropriately being used to fully characterize a site.

The Applicant has confirmed that in accordance with Commitment GH01 in the Late Deadline 1 Submission - 7.5.3.2 (B) CEMP Appendix B Register of Environmental Actions and Commitments (REAC) (Clean) - Accepted at the discretion of the Examining Authority [REP1-102] intrusive ground investigation will be undertaken to inform detailed design, which will assist in further information regarding the likelihood of dewatering being required.

In accordance with Commitment GH09 a Hydrogeological Risk Assessment will be undertaken during the detailed design to assess the specific risks to groundwater and identify any additional mitigation or remediation as appropriate. If the assessment determines that a contingency plan for potentially encountering

groundwater is required, than this will be developed through the Hydrogeological Risk Assessment. We are content with this and consider this issue resolved.

EA064 Flood Risk
We do not consider this issue resolved.

Previously we had concerns that a temporary bridge over the River Stour and a permanent bridge over the River Fromus are proposed, without any reference to the soffit height in metres Above Ordnance Datum (mAOD) on drawings.

In terms of freeboard for the River Fromus crossing, the Applicant has committed to 600mm above the design flood level in previous discussions, which is suitable from a flood risk perspective for a fluvial watercourse.

For the River Stour, the Soffit level should be above the 0.5% flood level with an allowance for additional freeboard. The Applicant is using Mean High Water Spring to detail the soffit level, which is sufficient, but this also needs to be above the relevant flood levels with a freeboard allowance. The tidal level is higher than the fluvial level, therefore we'd need confirmation that the soffit height is above the tidal level. The model suggests that the level within Document Late Deadline 1 Submission - 9.34.1 Applicant's Detailed Responses to Relevant Representations identified by the ExA - Accepted at the discretion of the Examining Authority [REP1-111] section 2.4.1. I (6.35mAOD) is likely suitable - as it's above both the 0.5% and 1% AEPs. However we require confirmation of this in documentation, such as in the Flood Risk Assessment.

We recommend more detail is provided upfront regarding the River Stour crossing design; however, we appreciate that detailed designs will be submitted during the Flood Risk Activity Permitting (FRAP) application. It is crucial that we work with the Applicant on these designs early, as the Applicant should be aware that a FRAP may not be forthcoming, regardless of the DCO being approved.

The Applicant may find SR2015 No.28: Installing a clear span bridge on a main river of up to 8 metres span and 4.2 metres width helpful.

EA065 Flood Risk
We are unable to provide a response on this matter at this time. We will endeavour to provide a response on this issue as soon as possible, as part of a separate submission.

EA066 Flood Risk
We cannot resolve this issue at this point in time.

There is a statement in Ex 1.3.2 within the document 6.8 Flood Risk Assessment [APP-292] that: *"With these measures in place, the residual risk of flooding during the construction phase has been assessed as low risk for all sources, except where it locally increases to medium."* We note that this relates to all sources. It is unclear as to where the flood risk has been increased during the construction phase from low to medium. It needs to be made clear that flood risk should not increase, so we require the Applicant to change the wording.

EA067 Flood Risk
We are satisfied and consider this issue resolved.

We welcome the updates to commitment GG24 in the document Late Deadline 1 Submission - 7.5.3.2 (B) CEMP Appendix B Register of Environmental Actions and Commitments (REAC) (Clean) - Accepted at the discretion of the Examining Authority [REP1-102]. The specifics relating to trigger thresholds for action (e.g., settlement) should be addressed through a FRAP.

Please note that the applicant's response in Late Deadline 1 Submission - 9.34.1 Applicant's Detailed Responses to Relevant Representations identified by the ExA - Accepted at the discretion of the Examining Authority [REP1-111] doesn't match the issue. The Applicant's response is the same for both EA066 and EA067. This issue relates to the Incident response plan and flood defence contingencies and so we have looked at the Applicant's response to EA068 instead.

EA068 Flood Risk
We cannot resolve this issue at this point in time.

We were concerned that open-cut crossings of main rivers were suggested under W02, and stockpile setback distances didn't consider flood zones.

Commitment W02 in the document Late Deadline 1 Submission - 7.5.3.2 (B) CEMP Appendix B Register of Environmental Actions and Commitments (REAC) (Clean) - Accepted at the discretion of the Examining Authority [REP1-102] should explicitly state that no spoil will be stored in Flood Zone 3b and that open cut will be limited to ordinary watercourses.

Please note that the applicant's response in Late Deadline 1 Submission - 9.34.1 Applicant's Detailed Responses to Relevant Representations identified by the ExA -

Accepted at the discretion of the Examining Authority [REP1-111] doesn't match the issue. It appears the Applicant's response to issue EA068 is relevant to EA067 instead.

EA069 Flood Risk
We are unable to provide a response on this matter at this time. We will endeavour to provide a response on this issue as soon as possible, as part of a separate submission.

EA070 Flood Risk
We are unable to provide a response on this matter at this time. We will endeavour to provide a response on this issue as soon as possible, as part of a separate submission.

EA071 Flood Risk
We are satisfied and consider this issue resolved.

We were concerned that fencing of compound and construction works may preclude access to Environment Agency assets and flood defences.

The Applicant has stated in document Late Deadline 1 Submission - 7.5.3.2 (B) CEMP Appendix B Register of Environmental Actions and Commitments (REAC) (Clean) - Accepted at the discretion of the Examining Authority [REP1-102] commitment W28 that fencing required for compounds and working areas will be designed such that there are no restrictions to the Environment Agency's access for the maintenance of their flood defences. We are content with this.

EA072 Flood Risk
We are satisfied and consider this issue resolved.

We were concerned about the omission of details relating to method and location of defences being monitored.

The applicant has stated in documents Late Deadline 1 Submission - 9.34.1 Applicant's Detailed Responses to Relevant Representations identified by the ExA - Accepted at the discretion of the Examining Authority [REP1-111] section 2.4.9. I, that pre and post drill topographical surveys will be undertaken to ensure that there are no impacts as a result of the works. Additionally, commitment W12 in the Late Deadline 1 Submission - 7.5.3.2 (B) CEMP Appendix B Register of Environmental

Actions and Commitments (REAC) (Clean) - Accepted at the discretion of the Examining Authority [REP1-102] states the monitoring protocols will be agreed with the Environment Agency.

We are content with this.

EA073 Flood Risk
We are satisfied and consider this issue resolved.

We had concerns that culverts were being proposed with some retained permanently.

The applicant has confirmed in documents Late Deadline 1 Submission - 9.34.1 Applicant's Detailed Responses to Relevant Representations identified by the ExA - Accepted at the discretion of the Examining Authority [REP1-111] section 2.4.10. I that only ordinary watercourses are to be culverted and so we defer to the consenting authorities for these ordinary watercourses, Stour (Kent) Internal Drainage Board (IDB) and Suffolk County Council as Lead Local Flood Authority as (LLFA).

EA074 Flood Risk
We are satisfied and consider this issue resolved.

We were concerned that there was an unclear definition of receptor sensitivity classification and how this had been derived.

We do not find the approach set out in the Design Manual for Roads and Bridges (DMRB) to be appropriate for flood risk. For example Table 4.7 in document 6.2.2.4 Part 2 Suffolk Chapter 4 Water Environment (APP-051), could be interpreted to suggest that an increase in peak flood level may be acceptable. This is at odds with planning policy such as:

- The Overarching National Policy Statement for Energy:
    - states that “Development should be designed to ensure there is no increase in flood risk elsewhere, accounting for the predicted impacts of climate change throughout the lifetime of the development.” (section 5.8.12).
- National Planning Policy Framework:
    - requires that development should not increase flood risk elsewhere (see paragraphs 170, 178b, and 181).

We recommend that the Applicant change the wording to make it clear that there will be no increase in flood risk. We are however, content to resolve this issue, as the Applicant has described how receptor sensitivity classification was derived.

EA075 Flood Risk
We do not consider this issue resolved.

We are concerned that commitment W06 of document Late Deadline 1 Submission - 7.5.3.2 (B) CEMP Appendix B Register of Environmental Actions and Commitments (REAC) (Clean) - Accepted at the discretion of the Examining Authority [REP1-102] for temporary and permanent haul/access roads within the floodplain could result in loss of flood storage or impedance to flood flow.

The Applicant hasn't indicated that the requirements of a FRAP would need to be considered in regards to any works in floodplain. We require the wording to be updated to reflect this.

EA076 Flood Risk
We do not consider this issue resolved.

We were concerned that wording within mitigation commitments GG14 and W02 of the reflected activities occurring 15m from watercourses.

The Applicant has stated in document Late Deadline 1 Submission - 9.34.1 Applicant's Detailed Responses to Relevant Representations identified by the ExA - Accepted at the discretion of the Examining Authority [REP1-111] section 2.4.13. I that updates have been made in the CEMP (REAC) to stipulate 16m for tidally influenced watercourses, however the Late Deadline 1 Submission - 7.5.3.2 (B) CEMP Appendix B Register of Environmental Actions and Commitments (REAC) (Clean) - Accepted at the discretion of the Examining Authority [REP1-102] has not yet been updated. We therefore cannot consider this resolved.

EA077 Flood Risk
We are satisfied and consider this issue resolved.

We previously highlighted a discrepancy in the number of permanent culverts retained (two in documents 6.2.2.4 Part 2 Suffolk Chapter 4 Water Environment [APP-051], whilst three in 6.8 Flood Risk Assessment [APP-292]).

The Applicant has clarified in document Late Deadline 1 Submission - 9.34.1 Applicant's Detailed Responses to Relevant Representations identified by the ExA - Accepted at the discretion of the Examining Authority [REP1-111] section 2.4.14. I that as part of the Suffolk Onshore Scheme, two permanent culverts are required for the access road (S/WA/0070 and S/WA/0086). They have confirmed the discrepancy between the information in Application Document 6.8 Flood Risk Assessment [APP-292] and Application Document 6.2.2.4 Part 2 Suffolk Chapter 4 Water Environment [APP-051]will be noted in the Proposed Project's post submission errata log.

We are satisfied with this.

EA078 Flood Risk
We are satisfied and consider this issue resolved.

We previously had uncertainty around feasibility of HDD (or other trenchless methods) at landfall.

The Applicant has assessed HDD as being feasible as reported in the document 7.3 Design Development Report [APP-321] and we are satisfied with this.

EA079 Flood Risk
We do not consider this issue resolved.

We previously raised there was a lack of quantified assessment of the rate of coastal erosion at the landfall location over the lifetime of the project.

We require information relating the Environment Agency's National Coastal Erosion Risk Management (NCERM) data to be presented as part of the Flood Risk Assessment (FRA). If the further assessment work shows NCERM data to not be conservative, then the applicant should liaise with the Environment Agency. There needs to be consideration as to whether erosion over the lifetime of the project would lead to exposure.

We support the Applicant's view that further assessment will be undertaken at the detailed designed stage. However we require a commitment that this detail will be provided in due course.

To resolve this issue, we require:

- A commitment within the Document Late Deadline 1 Submission - 7.5.3.2 (B) CEMP Appendix B Register of Environmental Actions and Commitments (REAC) (Clean) - Accepted at the discretion of the Examining Authority

[REP1-102] to ensure that the further assessment takes place at detailed design stage.

- The wording for requirement 13. (Decommissioning) in Late Deadline 1 Submission - 3.1(E) draft Development Consent Order (Clean) - Accepted at the discretion of the Examining Authority [REP1-036] to be amended to include the wording “for the approval of by the relevant planning authority, in consultation with the Environment Agency”.
- Input of the wording for a requirement to assess the possibility of decommissioning landfall infrastructure prior to the decommissioning phase of the development. See further information below.

We have been engaging with the Applicant’s project team regarding the wording of a requirement for assessing the decommissioning and removal of landfall infrastructure. We are currently having this reviewed by East Suffolk Council. Once they have finished their review, we will share with the project team for a final review. We will then request that the requirement is formally added to the Late Deadline 1 Submission - 3.1(E) draft Development Consent Order (Clean) - Accepted at the discretion of the Examining Authority [REP1-036].

EA080 Flood Risk
We are satisfied and consider this issue resolved.

We previously raised that HDD surface level monitoring was not linked to monitoring of flood defence and emergency response.

The applicant states in commitment W12 in the 7.5.3.2 CEMP Appendix B Register of Environmental Actions and Commitments (REAC)[APP-342] *“At the Suffolk and Kent landfalls the offshore cables will be brought onshore using a trenchless technique, avoiding physical disturbance of several watercourses and areas of coastal floodplain. Monitoring of existing flood defences would be undertaken during the cable installation in agreement with Environment Agency protocols to ensure no detriment to the integrity of the defences.”*

We are satisfied with this.

EA081 Flood Risk
We do not consider this issue resolved.

We previously raised that the bridge over the River Fromus may be retained after operation phase without an adaptation plan for future flood risk.

We note that the bridge abutments for the Fromus crossing fall outside the design flood extent and hence there is no loss of floodplain storage associated with the abutments. However, we note that the review of the hydraulic modelling for the Fromus crossing noted that the flood extent is sensitive to Manning's roughness within the river channel at this location. There are higher roughness values causing out of bank flooding and some impact to the proposed right bank bridge abutment. In light of this, it would be prudent to ensure the channel and embankment vegetation in the vicinity of the proposed crossing is well maintained throughout the operational life of the bridge. This is also applies beyond decommissioning phase if the crossing is to be retained.

We note that B32 within Document Late Deadline 1 Submission - 7.5.3.2 (B) CEMP Appendix B Register of Environmental Actions and Commitments (REAC) (Clean) - Accepted at the discretion of the Examining Authority [REP1-102] states there will be riparian habitat planting along the riparian corridor of the River Fromus. Given the sensitivities shown in the model to manning roughness, increase in vegetation along the watercourse may exacerbate flood risk.

To resolve this issue, we require the following:

- Alter the wording for requirement 13. (Decommissioning) in Late Deadline 1 Submission - 3.1(E) draft Development Consent Order (Clean) - Accepted at the discretion of the Examining Authority [REP1-036] to be amended to include the wording “for the approval of by the relevant planning authority, in consultation with the Environment Agency”.
- Adjust the Mannings Roughness value in the modelling, re-assess flood risk, and adjust the design if necessary; or commit to providing floodplain compensation in Suffolk (inclusive of the River Fromus).

EA082 Flood Risk

We are satisfied and consider this issue resolved.

We were concerned that fluvial flood risk may not have been adequately assessed, as high surface water flood risk areas which align with watercourses may imply unmapped fluvial flood risk for catchments less than 3 km². We noted that in many cases, the Flood Map for Planning (FMfP) has an evidence gap for catchments less than 3 km².

The Applicant has confirmed within document Late Deadline 1 Submission - 9.34.1 Applicant's Detailed Responses to Relevant Representations identified by the ExA - Accepted at the discretion of the Examining Authority [REP1-111] section 2.4.19 that they have used the “Risk of Flooding from Surface Water dataset” as a proxy to review and assess fluvial flood risk from smaller ordinary watercourses that drain

unmapped catchments in the Document 6.8 Flood Risk Assessment [APP-292]. They have also confirmed that the commitments to retaining buffers between project construction activities and watercourses (with the exception of at watercourse and cable crossing sites) would therefore avoid these flood zones.

EA083 Flood Risk
We do not consider this issue resolved.

We asked that appropriate mitigation is in place within Document 7.5.3.2 CEMP Appendix B Register of Environmental Actions and Commitments (REAC) [APP-342] to ensure the River Stour is protected in relation to the overhead line crossing.

The applicant has not yet updated the Late Deadline 1 Submission - 7.5.3.2 (B) CEMP Appendix B Register of Environmental Actions and Commitments (REAC) (Clean) - Accepted at the discretion of the Examining Authority [REP1-102] to include the requested information.

EA084 Flood Risk
We are satisfied and consider this issue resolved.

We had concerns about landscaping involving earth bunds possibly being in the floodplain.

The Applicant has confirmed within document Late Deadline 1 Submission - 9.34.1 Applicant's Detailed Responses to Relevant Representations identified by the ExA - Accepted at the discretion of the Examining Authority [REP1-111] section 2.4.21 that the earth bunds are to be located outside of the floodplain.

EA085 Flood Risk
We are satisfied and consider this issue resolved.

We previously highlighted that as temporary scaffolding over the River Stour (a main river) was proposed, we wanted to see further details.

We accept that it may not be possible for the applicant to provide the detailed design of the temporary scaffold structures at this stage.

The applicant should be aware that full details will be expected at the FRAP stage, such as detailed design drawings, full dimensions and method statements in relation to its construction and management. The applicant should be aware that a FRAP

may not be forthcoming, even in the case of approval of a DCO, and that we would encourage early engagement on its design. We strongly advise the applicant to share key design principles with us as early as they can.

EA086 Flood Risk
We are satisfied and consider this issue resolved.

Previously the location of cofferdams at HDD exits were unclear.

The Spplicant has confirmed in the Late Deadline 1 Submission - 7.5.3.2 (B) CEMP Appendix B Register of Environmental Actions and Commitments (REAC) (Clean) - Accepted at the discretion of the Examining Authority [REP1-102] that no cofferdams will be located within 16m of the River Stour or coastal flood defences.

EA087 Flood Risk
We are satisfied and consider this issue resolved.

Previously the location of the cofferdam at the Kent Landfall was unclear.

The applicant has confirmed in the Late Deadline 1 Submission - 7.5.3.2 (B) CEMP Appendix B Register of Environmental Actions and Commitments (REAC) (Clean) - Accepted at the discretion of the Examining Authority [REP1-102] that no cofferdams will be located within 16m of the River Stour or coastal flood defences.

EA088 Flood Risk
We do not consider this issue resolved.

Previously we stated that details relating to HDD exit pits and the use of rock bags/concrete mattresses had been omitted.

While the Late Deadline 1 Submission - 9.13 Pegwell Bay Construction Method Technical Note - Accepted at the discretion of the Examining Authority [REP1-108] does detail construction methods and some further information, it does not confirm locations or distances from the main river or defence line.

EA089 Flood Risk
We are unable to provide a response on this matter at this time. We will endeavour to provide a response on this issue as soon as possible, as part of a separate submission.

EA090 Flood Modelling
We are satisfied and consider this issue resolved.

Previously we had concerns that limited detail had been provided on the flood risk impacts of ordinary watercourse crossings. Of particular concern were the permanent culverted crossings at locations S/WA/0064.5 and S/WA/0064.4 and the temporary crossing at S/WA/0057 which is within Flood Zone 3.

We engaged with the applicant's project team 15 August 2025. The proposed culvert designs, including specifications for dimensions, and installation methodologies, were presented and thoroughly reviewed. These designs provided adequate evidence of the applicant's intent to adhere to relevant water management and environmental standards for ordinary watercourses.

Following this meeting, we stated to the applicant that we'd resolve this issue in regard to ordinary watercourses. We stated we would differ to the Internal Drainage Board (IDB) and Lead Local Flood Authority (LLFA), in regards to reviewing individual culvert design appropriateness for WFD water quality and flood risk respectively. No culverts were proposed for main rivers.

EA091 Flood Modelling
We do not consider this issue resolved.

Previously, we stated that the flood map for planning NAFRA2 data hadn't fully been considered for two temporary attenuation ponds, joint bays and a temporary crossing (S/WA/0057).

The Document Additional Submission accepted at the discretion of the Examining Authority – Applicant's response to the ExA's s89(3) letter 8 July 2025 & 5 August 2025 – 9.4 Supplementary Environmental Information - Flood risk assessment [AS-099] describes how one attenuation pond is within Flood Zone 3. This pond will be designed to exclude flood water ingress, and the supplementary note describes how impacts would be negligible due to the small temporary loss of storage. We require clarification from the applicant in regards to:

- The volume of water that would be displaced by the pond
- Whether the pond would be moved to an area outside of the flood zone
- Clarification of how long the temporary attenuation pond would be in place for

In addition to the above we request clarification of how the removal of temporary attenuation ponds will be secured. It is not clearly stated within the Late Deadline 1

Submission - 7.5.3.2 (B) CEMP Appendix B Register of Environmental Actions and Commitments (REAC) (Clean) - Accepted at the discretion of the Examining Authority [REP1-102] or in Late Deadline 1 Submission - 3.1(E) draft Development Consent Order (Clean) - Accepted at the discretion of the Examining Authority [REP1-036].

EA092 Flood Modelling
We are satisfied and consider this issue resolved.

We previously had concerns that the risk of flooding from Surface Water information presented in figure 6.4.2.4.3 had been superseded by more recent information published in January 2025.

The applicant has confirmed they have used and referenced the latest datasets in Plates 2A to 2D in Application Document 6.8 Flood Risk Assessment [APP-292].

We are content with this.

EA093 Flood Modelling
We are satisfied and consider this issue resolved.

We previously had concerns that the proposed temporary attenuation pond to the northeast of construction compound S03 at grid reference 640130, 262830 falls within an area shown to be at risk of surface water flooding. This attenuation pond is for surface water, but is located close to an ordinary watercourse. The Risk of Flooding from Surface Water mapping suggested an overland flow route, which could fill the storage basin, and hence reduce its capacity to attenuate surface water runoff from the development.

The Applicant has stated within Document Late Deadline 1 Submission - 9.34.1 Applicant's Detailed Responses to Relevant Representations identified by the ExA - Accepted at the discretion of the Examining Authority [REP1-111] section 2.4.30 that to mitigate the risk of floodwater ingress, the pond would be designed with suitable bunding. Furthermore, it would provide for additional storage capacity to allow for surface water runoff to be retained to discharge back into the ordinary watercourse, once flood levels had receded. They also highlighted that during detailed design, it may be possible to reshape the pond to avoid the high-risk zone.

EA094 Flood Modelling
We consider this issue resolved, but please see our responses to EA091 and EA093 above.

We were concerned that a recent update to the Flood Map for Planning (NAFRA2) was not considered in the placement of two temporary attenuation ponds and joint bays near crossing S/WA/0057.

With regards to the attenuation ponds and joint bays in the vicinity of crossing S/WA/0057, please see our response to EA091 above. Noting the temporary nature of the attenuation pond and measures to ensure no ingress of fluvial flood water, this approach seems reasonable. However, please see the response to EA091 regarding our request for clarification of how the removal of temporary attenuation ponds will be secured.

With respect to construction compound S02 (and S03) as shown on the 2.14.1 Indicative General Arrangements Plans - Suffolk (Version 2, change request) [CR1-024], the Applicant's response regarding the placement and design of the bund for S02 and S03 is considered reasonable (as outlined in our response to EA093).

EA095 Flood Modelling
We are satisfied and consider this issue resolved.

We were concerned that there were several temporary and permanent crossings over ordinary watercourses, which could increase flood risk if not designed appropriately. Of particular concern were the permanent crossings over Minster Stream adjacent to the converter station.

We engaged with the Applicant's project team 15 August 2025. The proposed culvert designs, including specifications for dimensions, and installation methodologies, were presented and thoroughly reviewed. These designs provided adequate evidence of the Applicant's intent to adhere to relevant water management and environmental standards for ordinary watercourses.

Following this meeting, we stated to the applicant that we'd resolve this issue in regard to ordinary watercourses. We stated we would differ to the Internal Drainage Board (IDB) and Lead Local Flood Authority (LLFA), in regards to reviewing individual culvert design appropriateness for WFD water quality and flood risk respectively. No culverts were proposed for main rivers.

EA096 Flood Modelling

We are satisfied and consider this issue resolved.

We previously highlighted that the outdated Flood Map for Planning data from 2023 was being used.

The Applicant has confirmed that they undertook an exercise to compare the latest Flood Map for Planning dataset against the mapping used to inform the Document 6.8 Flood Risk Assessment [APP-292]. The findings (detailed in Additional Submission accepted at the discretion of the Examining Authority – Applicant's response to the ExA's s89(3) letter 8 July 2025 & 5 August 2025 – 9.4 Supplementary Environmental Information - Flood risk assessment [AS-099]) are that there have been no changes to mapped flood zones 2 and 3 in the new Flood Map for Planning dataset, within the Order Limits of the Kent Onshore Scheme.

The Applicant has confirmed that within the Order Limits of the Suffolk Onshore Scheme there is one small change. This is associated with an increase in the mapped flood extent for a small watercourse that drains into the River Fromus, where one temporary drainage pond is now located in Flood Zone 3 (previously Flood Zone 1). As noted in response to EA094, design of the pond would factor in the potential for flooding and therefore there are anticipated to be no impacts on the Proposed Projects drainage standards in this location, nor any significant flood risk impacts.

APPENDIX A – Summary of EA Position

Subject	Relevant Rep Reference	Deadline 1
Biodiversity	EA001	Not Resolved
Biodiversity	EA002	Not Resolved
Biodiversity	EA003	Issue Resolved
		Issue Resolved
Biodiversity	EA004	Not Resolved
Biodiversity	EA005	Issue Resolved
Biodiversity	EA006	Issue Resolved
		Issue Resolved
Biodiversity	EA007	Issue Resolved
Biodiversity	EA008	Issue Resolved
Fisheries	EA009	Not Resolved
Fisheries	EA010	Not Resolved
		Not Resolved
Fisheries	EA011	Issue Resolved
		Issue Resolved
Fisheries	EA012	Not Resolved
		Not Resolved
Fisheries	EA013	Not Resolved
		Not Resolved
		Not Resolved
Fisheries	EA014	Issue Resolved
Fisheries	EA015	Issue Resolved
Fisheries	EA016	Issue Resolved
Fisheries	EA017	Issue Resolved
Fisheries	EA018	Issue Resolved
Fisheries	EA019	Not Resolved
Fisheries	EA020	Issue Resolved
Fisheries	EA021	Issue Resolved
Fisheries	EA022	Issue Resolved
		Issue Resolved
Fisheries	EA023	Issue Resolved
Fisheries	EA024	Issue Resolved
Geomorphology	EA025	Issue Resolved
		Issue Resolved
		Issue Resolved
Geomorphology	EA026	Issue Resolved
Geomorphology	EA027	Issue Resolved
Geomorphology	EA028	Issue Resolved

Geomorphology	EA029	Issue Resolved
Geomorphology	EA030	Issue Resolved
Geomorphology	EA031	Issue Resolved
Geomorphology	EA032	Not Resolved
Water Resources	EA033	Not Resolved
		Not Resolved
Water Resources	EA034	Not Resolved
		Not Resolved
Water Resources	EA035	Not Resolved
Marine	EA036	Issue Resolved
		Issue Resolved
Marine	EA037	Issue Resolved
Marine	EA038	Issue Resolved
Marine	EA039	Issue Resolved
		Issue Resolved
Water Quality	EA040	Not Resolved
		Not Resolved
		Not Resolved
Water Quality	EA041	Not Resolved
		Not Resolved
		Not Resolved
Water Quality	EA042	Issue Resolved
Water Quality	EA043	Not Resolved
Water Quality	EA044	Not Resolved
		Not Resolved
Water Quality	EA045	Not Resolved
Water Quality	EA046	Not Resolved
		Not Resolved
		Not Resolved
Water Quality	EA047	Issue Resolved
Waste	EA048	Not Resolved
		Not Resolved
		Not Resolved
Waste	EA049	Not Resolved
GWCL	EA050	Issue Resolved
		Issue Resolved
		Issue Resolved
GWCL	EA051	Issue Resolved
GWCL	EA052	Issue Resolved
		Issue Resolved
		Issue Resolved
GWCL	EA053	Not Resolved
		Not Resolved

GWCL	EA054	Not Resolved
		Not Resolved
		Not Resolved
GWCL	EA055	Issue Resolved
GWCL	EA056	Issue Resolved
		Issue Resolved
GWCL	EA057	Issue Resolved
		Issue Resolved
GWCL	EA058	Issue Resolved
		Issue Resolved
GWCL	EA059	Issue Resolved
GWCL	EA060	Not Resolved
GWCL	EA061	Issue Resolved
GWCL	EA062	Issue Resolved
GWCL	EA063	Issue Resolved
Flood Risk	EA064	Not Resolved
		Not Resolved
		Not Resolved
Flood Risk	EA065	Not Resolved
Flood Risk	EA066	Not Resolved
Flood Risk	EA067	Issue Resolved
Flood Risk	EA068	Not Resolved
Flood Risk	EA069	Not Resolved
Flood Risk	EA070	Not Resolved
		Not Resolved
Flood Risk	EA071	Issue Resolved
Flood Risk	EA072	Issue Resolved
		Issue Resolved
Flood Risk	EA073	Issue Resolved
		Issue Resolved
Flood Risk	EA074	Issue Resolved
		Issue Resolved
Flood Risk	EA075	Not Resolved
Flood Risk	EA076	Not Resolved
Flood Risk	EA077	Issue Resolved
		Issue Resolved
Flood Risk	EA078	Issue Resolved
		Issue Resolved
Flood Risk	EA079	Not Resolved
		Not Resolved
Flood Risk	EA080	Issue Resolved
		Issue Resolved
Flood Risk	EA081	Not Resolved
Flood Risk	EA082	Issue Resolved

Flood Risk	EA083	Not Resolved
Flood Risk	EA084	Issue Resolved
Flood Risk	EA085	Issue Resolved
Flood Risk	EA086	Issue Resolved
Flood Risk	EA087	Issue Resolved
Flood Risk	EA088	Not Resolved
Flood Risk	EA089	Not Resolved
Flood Modelling	EA090	Issue Resolved
		Issue Resolved
Flood Modelling	EA091	Not Resolved
		Not Resolved
Flood Modelling	EA092	Issue Resolved
Flood Modelling	EA093	Issue Resolved
Flood Modelling	EA094	Issue Resolved
		Issue Resolved
Flood Modelling	EA095	Issue Resolved
Flood Modelling	EA096	Issue Resolved