

The Planning Inspectorate
Temple Quay House
Bristol
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Our ref: XA/2025/100350/04-L01
Your ref: EN020026
Date: 10 February 2026

To whom it may concern

ENVIRONMENT AGENCY RESPONSE FOR DEADLINE 4.

SEA LINK, EAST ANGLIA AND KENT

This response constitutes the Environment Agency's Deadline 4 response.

We have reviewed the Deadline 3 submissions. Following our review, we respond to the outstanding issues raised within our Relevant Representation [[RR-1586](#)] and the subsequent deadline 2 response letters:

- Comments on any further information/ submissions received by deadline 1 and deadline 1A [[REP2-050](#)]
- Late Deadline 2 Submission - Accepted at the discretion of the Examining Authority [[REP2-144](#)]

We have also used this opportunity to respond to other matters pertaining to the examination. This letter is therefore comprised of the following:

- [Appendix A](#): Our response to the Examining Authority's queries raised during issue specific hearing 2
- [Appendix B](#): Our response to documents submitted at deadline 3
- [Appendix C](#): Summary of our position
- [Appendix D](#): Continuation of our response to the Examining Authority's Written Questions 1

Yours faithfully

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APPENDIX A - Our response to the Examining Authority's queries raised during Issue Specific hearing 2

73. NE and the Environment Agency (EA) to comment on the contrasting positions in [REP3A-028] and [REP2-051] regarding the potential for morphological change in Pegwell Bay due to the presence of HDD reception facilities

We discussed this question with Natural England on 06 February 2026. Natural England stated that they had no comments regarding morphological change in Pegwell Bay and the HDD reception pits. Instead, their main concerns related to the impacts on designated sites within their remit. Our current geomorphological concerns relate to the implications of the landfall cabling, and the migration of the mouth of the River Stour. Therefore, we do not believe we hold contrasting opinions regarding the potential for morphological change in Pegwell Bay in relation to the presence of HDD reception facilities.

Within our Relevant Representation [[RR-1586](#)], we raised numerous issues regarding geomorphology in Kent:

- EA026;
- EA027;
- EA031;
- EA032.

EA026 and EA027 were resolved in our response letter to the Applicant (ref.XA/2025/100429/02-L01, dated 14 November 2025), following our review of the 9.20.1 Landfall Sediment Modelling Report Aldeburgh [[PDA-037](#)] and 9.20.2 Landfall Sediment Modelling Report Pegwell Bay [[PDA-038](#)]. We found that these documents reasonably characterized sediments within the landfall locations. This was stated in our Deadline 2 Response letter [[REP2-050](#)]. Issue EA031 was also resolved in our Deadline 2 Response letter, as our Kent geomorphologist felt confident that the project team had appropriately assessed the sensitivity of the morphology at Pegwell Bay. EA032 is our only outstanding issue regarding geomorphology, which specifically relates to the depth of the landfall cabling and the migrating mouth of the River Stour. Please see [Appendix B](#) for our current position on this issue.

We were not aware of the submission of the Late Deadline 1 Submission - 9.13 Pegwell Bay Construction Method Technical Note - Accepted at the discretion of the Examining Authority [[REP1-108](#)] or the 9.13 (B) Pegwell Bay Construction Method Technical Note (Clean) [[REP2-011](#)]. We have now reviewed this document, and can confirm that the HDD reception facilities will not significantly impact the Morphology

of Pegwell Bay. We understand that even after drilling and cable placement, permanent scour protection remains 0.5 m below bed level over the exit shafts to the cable. However, even if this scour protection were to be exposed by some erosion (which is highly unlikely in this low energy environment with sea level rise), the size and extent of it is not enough to have a notable effect on geomorphology. Prior to this, temporary scour protection at ground level of the exit shafts, which may be in place for 2 years, could cause short term impacts on coastal processes. This may involve scour downstream of obstructed waves/currents, and build-up of some sand or shingle, but these impacts should be reversible. The four coffer dams of 30 m x 5 m in size each, installed for up to 60 days, also would not have any long-term impacts on the coastal processes.

77. Submit draft wording for a requirement in relation to decommissioning at the Suffolk landfall and River Fromus crossing.

River Fromus crossing requirement

To ensure that the River Fromus Crossing doesn't impact Water Framework Directive macro invertebrates, we have proposed a requirement for the detailed design of the crossing. The wording for the requirement is as follows:

1. No development of the crossing over the River Fromus shall commence until detailed designs have been submitted to and approved by East Suffolk Council and, following consultation with the Environment Agency, East Suffolk Council has confirmed that the detailed bridge design has a layout and scale that comprises:
 - a) a soffit height of no lower than 10.49m Above Ordnance Datum (approximately 4m above the Q95 flow level)
 - b) a deck width no wider than 6m
 - c) abutments that are set back no less than 8m from the top of the bank

2. Unless a crossing is proposed which comprises a soffit height of a minimum of 12.49m Above Ordnance Datum (approximately 6m above the Q95 flow level), then no development of the crossing over the River Fromus (as part of work no.3a) shall commence until a macro invertebrate monitoring and contingency plan has been submitted to and approved by East Suffolk Council, following consultation with the Environment Agency.

Note:

Monitoring is to occur for a period of five years following completion of the construction of the Fromus crossing. The details must include:

- I. The requirement to carry out Water Framework Directive compliant surveys twice yearly (spring and autumn), upstream and downstream of the Fromus crossing.
- II. On receipt of results if mitigation is found to be necessary then part of the contingency plan is to submit a mitigation strategy for approval.

Suffolk Landfall decommissioning requirement

To address coastal erosion risks at the end of the project's lifetime, we have established a formal requirement to assess the removal of Suffolk landfall infrastructure prior to the project's decommissioning. This assessment will ensure that any decision to leave assets in-situ, will take account of the potential flood risk and ecological implications, and consider whether there it'd be more beneficial to removal all infrastructure.

We are currently awaiting the review of the text of this requirement by East Suffolk Council's legal counsel. The current wording for the requirement is as follows:

If the decision is taken to decommission the project, then within 1-year prior to the end of the operational lifetime of the development, a decommissioning plan for the joint bays and cables of the scheme's Suffolk landfall infrastructure must be submitted to and approved by East Suffolk Council, following consultation with the Environment Agency. The plan must assess whether the risk of removing cable infrastructure is appropriate, including a survey to assess the width, depth and structural stability of the beach and landfall location. Therefore:

1. If infrastructure removal is deemed appropriate, then the following assessments/activities must be carried out:
 - a. Programming.
 - b. Dismantling.
 - c. Materials management.
 - d. An assessment of the impact of works on flood defences, including:
 - i. Pre and post decommissioning work surveys, to assess structural stability.
 - ii. A vibration assessment, and an agreement on safe vibration limits with the Environment Agency.
 - iii. Demonstrating works will not result in a reduction of ground levels or crest heights that could compromise flood defences.
2. If removal is not found to be appropriate, then;

- a. A contingency plan must be in place, to cover any remediation required when removal becomes necessary.

83. Position regarding minster Converter Station and Substation footprint

We have been asked to “Set out position with respect to the Minster Converter Station and Substation footprint and any impacts on land drains are present which address surface water in the associated fields and these could be affected in a manner which increases the risk of flooding including having regards to the applicant’s position as set out in the response to Kent County Council’s Local Impact Report [REP2-028].”

We believe that the lead local flood authority is best placed to answer this question, as the lead on surface water flooding. However, we would want to ensure that the Applicant’s methods for managing drainage and mitigating surface water run-off doesn’t increase fluvial or tidal flood risk in the area. Certain methods, such as installing SuDs with swales and retention ponds, may displace flood storage and disrupt flow routes.

We note that an ordinary watercourse falls within the proposed converter station’s boundary, and thereby means that the converter station falls partly within fluvial and tidal flood zones 2 and 3. As per our requests under EA065, EA069, EA070 and EA075, we require compensatory flood storage for all areas falling within the floodplain (specifically fluvial floodplain for the river Stour).

84. Position regarding land/ coastal erosion with respect to flood risk and FRA

Within our relevant representation [RR-1585], under EA079, we raised that there was a lack of quantified assessment of the rate of erosion at the landfall location over the lifetime of the project. We requested that the Flood Risk Assessment (FRA) include a coastal erosion assessment for Suffolk.

Please see our response regarding EA079 in [Appendix B](#). We are currently requesting that the FRA is updated to include estimates on coastal erosion in relation to the National Coastal Erosion Risk Mapping (NCERM) data. Furthermore, there needs to be clarification from the Applicant on any implications for the proposal, as well as consideration for the relevant Suffolk Shoreline Management Plan.

We note National Policy Statement for Electricity Networks Infrastructure (EN-5), section 2.3.2 states that:

“As climate change is likely to increase risks to the resilience of some of this infrastructure, from flooding for example, or in situations where it is located near the coast or an estuary or is underground, applicants should in particular set out to what extent the proposed development is expected to be vulnerable, and, as appropriate, how it has been designed to be resilient to:

- *Coastal erosion – for the landfall of offshore transmission cables and their associated substations in the inshore and coastal locations respectively.”*

Regarding coastal erosion towards the end of the development’s lifetime in Suffolk, we have requested a landfall infrastructure decommissioning requirement (see in our response to 77.). This will ensure that appropriate assessment is carried out if the development is to be decommissioned, to consider whether it’d be more beneficial for flood risk (and ecology) if all aspects of the development are removed, or left in-situ.

Please note, we have no concerns regarding coastal erosion in respect to the landfall area of Pegwell Bay in Kent. A Shoreline Management Plan policy of Hold the Line is in place up to 2105.

85. Update on if it is necessary to relocate the proposed location of attenuation ponds for functional need including fluvial flooding matters.

We note that 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. As per EA091, we require clarity from the Applicant regarding any temporary attenuation ponds located within flood zone 3 in respect 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.

The Applicant has not yet clarified any of the above details. Once we have clarity on the above details, we can determine whether this attenuation pond needs to be relocated outside of the fluvial floodplain.

The Overarching National Policy Statement for Energy (EN-1) states under section 5.8.12 “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. There should be no net loss of floodplain storage and any deflection or constriction of flood flow routes should be safely managed within the site.”

86. Set out all remaining areas of disagreement regarding the applicant’s approach to applying the sequential and exception tests.

We remain concerned with the Applicant's approach to sequential and exception tests in both Suffolk and Kent. In regards to the remaining areas of disagreement on these matters, please refer to the following issues in [Appendix B](#):

- EA069
- EA070
- EA075
- EA076
- EA079
- EA081
- EA083
- EA088
- EA091

For these issues, please see the relevant Deadline 2 response letter:

- EA065 (see Deadline 2 response letter – [\[REP2-144\]](#))
- EA066 (see Deadline 2 response letter – [\[REP2-050\]](#))
- EA068 (see Deadline 2 response letter – [\[REP2-050\]](#))
- EA089 (see Deadline 2 response letter – [\[REP2-050\]](#))

87. Set out position with respect to requested wording for requirement in dDCO regarding the Water Framework Directive (WFD) and a 4m bridge soffit height at the proposed River Fromus bridge crossing.

Our position is that we will accept a crossing design of at-least 4m (10.49m above ordnance datum) soffit height for the River Fromus bridge crossing, subject to the inclusion of a WFD macro invertebrate monitoring and contingency plan. We believe the inclusion of this requirement will ensure that the crossing is WFD-compliant. Please see our response to 77. regarding the current draft of the wording for the River Fromus crossing requirement. As well as the minimum soffit height, we also require the deck width to be no wider than 6m, and the abutments to be set-back no less than 8m from the top of the bank. This is to ensure that there's no impacts to the riparian corridor, or increased shading of the River Fromus, which may cause a deterioration in WFD water quality.

We believe that the inclusion of the requirement will ensure there's compensatory mitigation measures in-place in the event that impacts to WFD macro invertebrates are observed.

We have engaged with the project team on this matter since 2024. We initially requested a crossing height minimum of 6m from the surface of the river at Q95 to the soffit, at any point under the crossing; however we soon accepted 5m (with the inclusion of a monitoring and contingency plan).

For other crossings in Suffolk a soffit height of at-least 6m was secured, which provides precedence for our comments regarding Sea Link's proposed Fromus crossing. This was secured for:

- the Sizewell C two village bypass crossing on the River Alde located less than 2.5km from this proposed crossing (see: [here](#)).
- For the Sizewell C Leiston Beck permanent crossing a soffit height of 6.8m was secured (see: [here](#)).

Our concerns regarding the soffit height were based on several publications, which demonstrated that weak-dispersing polarotactic invertebrates (WFD invertebrates) require a minimum clearance height below watercourse crossings, and a level of reflected polarised light under watercourse crossings, for them to successfully migrate upstream. Russev (1959) observed that after mating, masses of female mayfly fly up to 3–4 km upstream 5–15m above the river midline. This is essential for the lifecycle of mayfly species, and is known as the compensation flight; this serves to compensate for the larval drift that occurs during the aquatic life stage of eggs and larvae. Malnas et al (2011) observed that bridges acted as optical barriers and population disruptors for the mayfly (see: [here](#)).

It is well evidenced that inappropriately designed watercourse crossings create a barrier to the movement of weak dispersing taxa (WFD invertebrates). Numerous publications describe how reflected polarized light from asphalt surfaces act as a trap to polarotactic invertebrates:

- Asphalt Surfaces as Ecological Traps for Water Seeking Polarotactic Insects, How can the Polarized Light Pollution of Asphalt Surfaces be Reduced, Malik et al (2010);
- Bridges as optical barriers and population disruptors for the mayfly, An overlooked threat to freshwater biodiversity, Malnas et al (2011);
- Lamp-Lit Bridges as Dual Light-Traps for the Mayflies, Szaz (2015);
- Why Do Mayflies Lay Their Eggs En Masse On Dry Asphalt Roads. Kriska (1998).

The bridges already present in this section of the River Fromus are likely to be having an impact on the taxa present. Any additional impact caused by the construction of another bridge, that is inappropriately designed, could lead to detrimental effects on the taxa present and could contribute to a deterioration in the invertebrate populations; this may thereby contribute to a deterioration in WFD water quality. The shading of the watercourse, and the physical presence of the Fromus crossing in the flight corridor, would interrupt the migration route for the invertebrates. Any polarised light pollution, either reflected from surfaces, or emitted from artificial lights, would further impact the invertebrates, as it would act as a sink to any invertebrates attempting to pass over the crossing. Reflected polarised light pollution should be reduced as far as possible to minimise this impact.

Under the The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017, development must support “good” WFD status of waterbodies and must not prevent potential “good” status. Where it does not support “good” or prevents potential “good” status then proposals must be changed, or if this is impossible, a WFD Article 4.7 (regulation 19) defence must be provided.

On 23 October 2025, we emailed the Applicant’s project team stating that we’d be willing to accept a 4m, instead of 5m, soffit height. We deemed this as acceptable for WFD compliance, subject to the inclusions of a monitoring and contingency plan within a draft requirement. If monitoring revealed that the crossing was impacting WFD invertebrates, then the contingency plan would ensure suitable compensation and mitigations could be made to prevent a deterioration in their population.

We note that the project team has committed to ensuring that in the 9.84 Register of Environmental Actions and Commitments (REAC) (Clean) [\[REP3-078\]](#) “A light-coloured rough textured surface to the proposed crossing of the River Fromus will be considered as part of the crossing design/specification in order to mitigate reflected polarised light pollution.” We approve of this commitment.

88. Confirm any outstanding concerns with respect to meeting the objectives of the WFD.

We currently do not believe the development will meet the objectives of the Water Framework Directive (WFD), in respect to the relevant River Basin Management Plans. For the outstanding concerns, please refer to the following issues in [Appendix B](#):

- EA032
- EA040
- EA041
- EA043
- EA045
- EA046
- EA053

Issue EA013 relates to the River Fromus Crossing. We are yet to resolve this issue, as we require the inclusion of the crossing requirement within the draft DCO. This will ensure impacts to WFD macroinvertebrates are mitigated or compensated for. Please view our answer to question 77. for the wording of this requirement.

There are a number of fisheries issues that remain unresolved. However, these issues relate to surveying, and scoping in of Lamprey, only - we believe that there are sufficient mitigation measures in place to avoid impacts to this species

regardless. Therefore, we do not believe these issues pose an outstanding concern with respect to meeting the objectives of the WFD. These fisheries issues are as follows:

- EA009
- EA010
- EA011

121. Consider whether there is need for the word ‘substantially’ in accordance with, for requirements. (for applicant)

We note that this question was raised for the Applicant. However, we are aware that there are a number of requirements within the 3.1(F) Draft Development Consent Order (Clean) [[REP3-006](#)] that utilize the phrase “substantially in accordance”. We have requested to be consulted on some of these requirements (see [Appendix B](#)). We request the removal of the term “substantially” from the following requirements:

- Requirement 6 - Construction management plans to be approved:
 - Onshore Construction Environmental Management Plan (which must be substantially in accordance with the Onshore Outline Construction Environmental Management Plan) (a)
 - Landscape and Ecological Management Plan (LEMP) – Suffolk (which must be substantially in accordance with the Outline LEMP – Suffolk) (f)
 - Landscape and Ecological Management Plan (LEMP) – Kent (which must be substantially in accordance with the Outline LEMP – Kent) (g)
 - Construction Noise and Vibration Management Plan (LEMP) – Suffolk (which must be substantially in accordance with the Outline Construction NVMP - Suffolk) (h)
 - Construction Noise and Vibration Management Plan (LEMP) – Kent (which must be substantially in accordance with the Outline NVMP – Kent) (i)
 - Code of Construction Practice (which must be substantially in accordance with the outline Code of Construction Practice) (r)

Using the term “substantially” results in the requirement being unenforceable and imprecise. This is contrary to the 2 of the 6 tests for planning conditions within paragraph 57 of the [National Planning Policy Framework](#).

APPENDIX B – Our response to documents submitted at deadline 3

Please note that our response includes only those issues IDs (from our deadline 2 response letters ([\[REP2-050\]](#) and [\[REP2-144\]](#))) for which the Deadline 3 submissions are relevant and seek to address. We have not provided further comment on issue IDs where no relevant documents, or substantive comments, were submitted at deadline 3. Therefore, these issues remain unresolved, and we expect that the Applicant will submit relevant information for them at deadline 4. These outstanding issue IDs are as follows:

- EA009
- EA010
- EA012
- EA013
- EA019
- EA044
- EA064
- EA066
- EA068
- EA076
- EA083
- EA089

Please also see [Appendix C](#): Summary of our position, for a tracker of which issue IDs are resolved and unresolved.

Requirement 6 - Construction management plans to be approved

We request to be consulted/an approving body for the following:

- Onshore Construction Environmental Management Plan (a)
- Landscape and Ecological Management Plan (LEMP) – Suffolk (f)
- Landscape and Ecological Management Plan (LEMP) – Kent (g)
- Construction Noise and Vibration Management Plan (LEMP) – Suffolk (h)
- Construction Noise and Vibration Management Plan (LEMP) – Kent (i)
- Construction Drainage Management Plan (o)
- Flood Management Plan (FMP) (p)
- Code of Construction Practice (r)
- Register of Environmental Actions and Commitments (s)

Requirement 11 - Removal of temporary bridges and culverts

We request to be consulted on/listed as an approving authority on requirement 11 (1), in regards to the temporary bridge over the River Stour (as stated in section 4.6.74 of [REP1A-004](#)).

EA001 Biodiversity

We do not consider this issue resolved.

We previously requested that “wildlife (namely nocturnal protected species)” to be included within NV03 in addition to other ‘sensitive receptors’ so that appropriate site-specific mitigation can be identified”. This has not been included. We require this to be included in commitment NV03.

We note that B71 has now been added which notes that construction working hours will be followed over winter, which limit working hours to between ‘7am to 7pm’, when within 4m of a watercourse, to avoid otter disturbance. However, during the winter, this timeframe would cover periods following sunset and sunrise, when otters are most active. We also believe the trigger for the winter working timings should be any activity within 10m a watercourse and not 4m.

We require this to commitment to be amended to state that during winter, construction works within 10m of any watercourse are only to be undertaken beyond 1-hour after sunrise, or prior to 1-hour before sunset, except during emergencies. This will ensure that works aren’t undertaken during hours of darkness during the winter, and thereby avoid disturbing otters.

EA002 Biodiversity

We do not consider this issue resolved.

We raised concerns that natural colonisation would take place too slowly following temporary habitat losses along ditches (due to cable installations). This would put water voles at risk of predation.

The Outline Landscape and Ecological Management Plan - Suffolk (Clean) [[CR1-045](#)] still refers to either planting or natural colonisation to reinstate ditch habitat (section 4.4.1).

We require the Outline Landscape and Ecological Management Plan - Suffolk (Clean) [[CR1-045](#)] to be amended to state that riparian planting of mature emergent vegetation will take place following any temporary habitat losses along ditches.

EA004 Biodiversity

We are satisfied and consider this issue resolved.

We raised concerns that a uniform riparian buffer zone of 10m for all construction and associated activities needed to be stated in commitment GG15 of 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](#)].

Within 9.84 Register of Environmental Actions and Commitments (REAC) (Tracked) [[REP3-079](#)] GG15 has been updated to include a “10m buffer zone for all construction and associated activities such as refuelling and storage of materials around watercourses, on-site ditches, silt traps and bunding.” We are therefore content to resolve this issue.

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.

We note that the MPE02 has been amended to state:

- “For subtidal sections of the cable route, the minimum depth of lowering (DOL) to the top of the cable is 0.5 m (in areas of bedrock), with a target DOL for the Proposed Project approximately 1 m to 2.5 m, to be achieved where possible dependant on the seabed geology. At the Kent landfall, a target DOL of 1.5 m will apply to allow for the potential future lowering of the intertidal bed levels.”

This does not resolve our concerns regarding the cable burial depth. In order to mitigate for this risk, as stated in our relevant representation and Deadline 2 response letter, we require the depth of the cable to be deeper than the mouth of the low flow Stour channel.

EA040 Water Quality

We do not consider this issue resolved.

We previously raised that in the unplanned event of a fire at a substation or converter station, fire supressing agent/firewater may enter the site drainage system and subsequently the water environment.

We have reviewed the following documents:

- 9.17.1 Suffolk Drainage Strategy [[REP3-060](#)]
- 9.17.2 Kent Drainage Strategy [[REP3-061](#)]

Whilst the sections 8.1.12 (Suffolk) and 8.1.13 (Kent) state that penstock valves will be installed to isolate the outfall in the event of a pollution incident, the Applicant must:

- Confirm that the valve will close automatically, and clarify what will be the trigger event for the action.
- Clarify that in the event of automation failure, there will be a manual override.
- Commit to providing a maintenance plan for the penstock valve.

Therefore, this issue is not resolved.

EA041 Water Quality

We do not consider this issue resolved.

We were concerned that the disposal of contaminated construction and concreting water, as-well as rainfall runoffs from the batching plant area, may introduce contaminants into the receiving water environment.

We have reviewed the following documents:

- 9.17.1 Suffolk Drainage Strategy [[REP3-060](#)]
- 9.17.2 Kent Drainage Strategy [[REP3-061](#)]
- 9.84 Register of Environmental Actions and Commitments (REAC) (Tracked) [[REP3-079](#)]
- 9.83 Outline Code of Construction Practice (Tracked) [[REP3-077](#)]

Whilst commitment W26 [[REP3-079](#)] mandates regular visual monitoring, water quality sampling will only occur after a visible change is detected. This approach creates a lag between observation, source, tracing and testing, potentially allowing harmful substances to be released before mitigation can be implemented. Our comments on water monitoring through construction into operation - as stated in EA046 - should be adhered to.

Sections 8.1.8 [[REP3-060](#)] and 8.1.9 [[REP3-061](#)] clarifies that prefabricated concrete products for outfalls and bridge piers will be used, which is welcomed. However, there is still no commitment to provide the timing for in-situ pours, or for control concrete washout.

GG17 [[REP3-079](#)] states that “wash water will be prevented from passing untreated into watercourses and groundwater using appropriate measures”. It is unclear what these measures are, and how water is intended to be disposed of.

There is a difference in wording between sections 8.1.14 [[REP3-060](#)] and 8.1.15 [[REP3-061](#)], as the first for Suffolk states “Provision of a suitable vehicle wash area

on hardstanding which drains to foul or suitably treated on site”, whilst the latter for Kent only says “which drains to foul”, so we seek clarification if this is correct. It is unclear if it is treated on site, or if disposal offsite or discharge to the water environment is proposed.

EA043 Water Quality

We do not consider this issue resolved.

We were concerned that dewatering of both rainfall runoffs and potentially elevated groundwater at the construction site.

We have reviewed the following documents:

- 9.17.1 Suffolk Drainage Strategy [[REP3-060](#)]
- 9.17.2 Kent Drainage Strategy [[REP3-061](#)]
- 9.84 Register of Environmental Actions and Commitments (REAC) (Tracked) [[REP3-079](#)]
- 3.1(F) Draft Development Consent Order (Tracked) [[REP3-007](#)]

The draft DCO [[REP3-007](#)] has not been updated to include the Environment Agency as a named consultee for requirement 6, specifically (o) Construction Drainage Management Plan and (q) Operational Drainage Management Plan.

8.1.8 [[REP3-060](#)] and 8.1.9 [[REP3-061](#)] mention silt traps, filter logs and settlement basins, which are good mitigation measures. However, we still have concerns over “discharging into a watercourse” and comments of the dewatering system being “generally clean”. We require this wording to be amended to state that the dewatering system will be clean.

In conjunction with EA046, we seek clarification how the Applicant would determine that any dewatering discharges are free from contamination. Whilst, GG15 commits to silt traps, and W02 to silt fences or silt screens, water quality monitoring, as requested in issue EA046, will help provide confidence that there is no risk of deterioration.

We welcome changes to GG15 which now acknowledges “10m buffer zones for all construction and associated activities such as refuelling and storage of materials around watercourses, on-site ditches, silt traps and bunding.”

Please note, this issue is linked to EA045.

EA045 Water Quality

We do not consider this issue resolved.

We were concerned that the pumping (over pumping) process may allow silty water to enter the water course downstream.

We have reviewed the following documents:

- 9.17.1 Suffolk Drainage Strategy [[REP3-060](#)]
- 9.17.2 Kent Drainage Strategy [[REP3-061](#)]
- 9.84 Register of Environmental Actions and Commitments (REAC) (Tracked) [[REP3-079](#)]
- 3.1(F) Draft Development Consent Order (Tracked) [[REP3-007](#)]

The draft DCO has not been updated to include the Environment Agency as a named consultee for requirement 6, specifically (o) Construction Drainage Management Plan and (q) Operational Drainage Management Plan.

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In conjunction with EA046, we seek clarification how the Applicant would determine that any dewatering discharges are free from contamination. Whilst, GG15 commits to silt traps, and W02 states silt fences or silt screens, water quality monitoring, as requested in issue EA046, will help provide confidence that there is no risk of deterioration.

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We welcome changes to GG15 which now acknowledges “10m buffer zones for all construction and associated activities such as refuelling and storage of materials around watercourses, on-site ditches, silt traps and bunding.”

Please note, this issue is linked to EA043.

EA046 Water Quality

We do not consider this issue resolved.

We were concerned that there would be impacts to water quality for the WFD watercourses Hundred River and River Fromus, especially during the construction and decommissioning phases. We requested regular water quality monitoring to be carried out both during and after the construction and decommissioning phases.

We have reviewed the following documents:

- 9.84 Register of Environmental Actions and Commitments (REAC) (Tracked) [\[REP3-079\]](#)
- 3.1(F) Draft Development Consent Order (Tracked) [\[REP3-007\]](#)
- 9.83 Outline Code of Construction Practice (Tracked) [\[REP3-077\]](#)

We are pleased to see that the Environment Agency will be consulted on Requirement 13 (Decommissioning), within [\[REP3-007\]](#). However, there has been no amendment to the [\[REP3-079\]](#) or [\[REP3-077\]](#) in regards to surface water quality monitoring. We need to be confident that a water quality baseline can be established. If a monitoring plan isn't suitably designed, then we will not be confident that trends will be detected. Therefore, our issue remains unresolved.

From our Comments on any further information/submissions received by deadline 1 and deadline 1A [\[REP2-050\]](#):

We welcome the addition of W26 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 [\[REP1-103\]](#). However, a commitment to monitoring, including taking water samples, should be included in all phases of the project construction, operation and decommissioning.

Currently there is a lack of detail, and it should be made clear that site walkovers and visual monitoring alone are not a suitable method of monitoring. A monitoring plan should provide details of frequency, quantity, location and method of monitoring. These locations should include monitoring upstream and downstream of any proposed surface water outfalls and water crossings. Methods may include in-situ handheld devices or samples sent off to laboratories. Monitoring should start prior to construction, so that the water quality of any possibly affected areas are known, and a baseline is established.

We note that there is no outline Operational Environment Management Plan (OEMP), nor a requirement for an OEMP to come forward. We require further

discussions with the Applicant on how monitoring would be secured during operation.

EA048 and EA049 Waste

We are satisfied and 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 have reviewed the 3.1(F) Draft Development Consent Order (Tracked) [[REP3-007](#)], and note that we have been listed to be consulted on requirement 6. (n) Material and Waste Management Plan. We are therefore content to resolve these issues.

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.

The Applicant stated in their 9.34.1 (B) Applicant's Detailed Responses to the Relevant Representations identified by the ExA (Clean) [[REP2-014](#)] is subject to further discussions with Environment Agency. We have not yet been engaged further on this issue. Therefore, this issue remains unresolved.

We are pleased to see that EA054 is resolved. However, we are yet to see any proposed mitigation measures to resolve EA053.

EA054 Groundwater and Contaminated Land

We are satisfied and 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 (provided in our deadline 2 response letter [[REP2-050](#)]) to be included in the draft Development Consent Order. The 3.1(F) Draft Development Consent Order

(Tracked) [\[REP3-007\]](#) has been updated to include the requested wording. We are therefore content to resolve this issue.

EA060 Groundwater and Contaminated Land

We are satisfied and consider this issue resolved.

We were concerned that 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 [\[REP1-102\]](#) did not provide reassurance that risks would therefore be assessed and managed, if the most vulnerable areas couldn't be avoided.

We have reviewed 9.84 Register of Environmental Actions and Commitments (REAC) (Tracked) [\[REP3-079\]](#). GH12 has been amended to state "vulnerable" areas. We are therefore content to resolve this issue.

EA065 Flood Risk

We do not consider this issue resolved.

We were concerned that the sequential approach within Flood Zone 3 was not being clearly applied to avoid Flood Zone 3b.

The Applicant confirmed at the Examination hearing on 29 January 2026 that the proposal will not be split into component parts for the purposes of vulnerability classification, and instead is considered wholly essential infrastructure, rather than water compatible. Therefore, in line with the national Planning Practice Guidance Paragraph: 079 Reference ID: 7-079-20220825, the Applicant as part of the Exception Test, must consider the Notes to Table 2 ([Flood risk and coastal change - GOV.UK](#)):

“+” In Flood Zone 3a essential infrastructure should be designed and constructed to remain operational and safe in times of flood.

*“**” In Flood Zone 3b (functional floodplain) essential infrastructure that has passed the Exception Test, and water-compatible uses, should be designed and constructed to:*

- remain operational and safe for users in times of flood;*
- result in no net loss of floodplain storage;*
- not impede water flows and not increase flood risk elsewhere.”*

In particular, some components in Suffolk and Kent are within Flood Zone 3b, and we require further consideration of how these components are compliant with the notes to Table 2 above. In regards to any temporary structures, such as attenuation basins and outfalls, we require clarification of how long they'd be in place. For

drainage pipes and outfall pipes we require clarification as to whether they're located below or above ground.

From our deadline 2 response letter [\[REP2-050\]](#):

It is still unclear what approach to the sequential test the Applicant is proposing. In line with PPG Paragraph: 079 Reference ID: 7-079-20220825, some developments may contain different elements of vulnerability, and the highest vulnerability category should be used, unless the development is considered in its component parts.

If the Applicant is proposing to split their proposal into component parts (e.g., 1 No. temporary drainage outfall and 1 No. permanent infiltration outfall pipe (buried) and outfall are water compatible), then they would need to provide clarity on what vulnerability is proposed for each component.

However, if the applicant is merely stating that these components of are essential infrastructure that have water-compatible uses, these should be designed and constructed to:

- remain operational and safe for users in times of flood;
- result in no net loss of floodplain storage;
- not impede water flows and not increase flood risk elsewhere.

We agree that the pylons works would be deemed "essential infrastructure" and so is appropriate for flood zone 3, as long as the exception test is passed. The pylons once constructed should not impede flow as they are to be "open" structures, so therefore should not increase flood risk elsewhere. Additionally, if the pylons are to be placed within the tidal floodplain only, then floodplain compensation won't be required. However, if new pylons are to be constructed within the fluvial floodplain, then the Applicant should consider if and what flood compensation may be required. Please see EA069 and EA089 for more details on the River Stour floodplain.

EA069 Flood Risk

We do not consider this issue resolved.

We have reviewed the following documents:

- 9.84 Register of Environmental Actions and Commitments (REAC) (Tracked) [\[REP3-079\]](#)

We have yet to receive a commitment to re-instate land to pre-construction levels within 5 years of commencing construction. Currently, the Applicant only commits to

this for temporary haul roads (W06) and temporary attenuation ponds (W31). We require this commitment to be extended to all temporary works within floodplain.

We are pleased by the changes to W01, which reflects that activities within the floodplain will be considered in accordance with a method approved under the Environmental Permitting Regulations.

From our deadline 2 response letter [[REP2-050](#)]:

We do not consider this issue resolved.

We have identified that the River Stour floodplain within the boundary of the scheme is fluvially-influenced in areas, as well as having areas of tidal/fluvial crossover, and solely tidal influence. Of particular concern is the right bank floodplain of the River Stour between grid references 630950, 162775 and 632100, 162300 and additionally at grid reference 632650, 159900 as these areas fall within the defended fluvial floodplain, and parts of these areas are within the functional floodplain.

We would not be requiring compensation for works in tidal areas or areas which have tidal/fluvial cross-over. However, floodplain compensation is required for any areas of development in fluvial areas, to manage the flood risk associated with the River Stour floodplain. This will ensure that the permanent and temporary elements of the scheme are not displacing fluvial flood storage.

Given the proposed temporary nature of the bridge (we assume 5-years given the length of the construction phase), associated temporary works, and the large size of the Stour floodplain, we will ensure compensation requirements are proportionate and reasonable.

Compensation for temporary works should be balanced against the commitment to fully reinstate the land to its pre-construction condition upon removal.

We note that Commitment W06 ([REP1-102](#)) states *“No construction materials should be stored within Flood Zone 3 and areas of high and medium risk of flooding from surface water, where this cannot be avoided, for example in the River Stour floodplain adequate mitigation measures will be applied.*

For example, model outputs would inform the placement of soil during construction and soil stockpiles would be aligned in the direction of flow to avoid impeding flood flow routes.”

We require a clear commitment to re-instate land to pre-construction levels within 5 years of commencing construction. Currently, the Applicant only commits to this for temporary haul roads.

We accept that it may not be possible to provide all the details of stockpiles at this stage. Further detail regarding the stockpiles would be needed for us to be fully satisfied from a flood risk perspective, but it is acknowledged that this will be dealt with via the Flood Risk Activity Permit (FRAP) process. At FRAP stage, we'd require the details relating to the location, length of time in place, quantity of material and method for storing the material.

Please note, this issue interlinks with EA089.

EA070 Flood Risk

We do not consider this issue resolved.

We were concerned that details were omitted regarding temporary attenuation ponds and outfalls within floodplain. There were no details regarding their construction method, and the expected changes in ground level in order to construct these temporary features.

We requested clarity as to whether the temporary attenuation ponds would be located in the fluvial floodplain. We are yet to receive this clarification. If they are to be located in fluvial floodplain, then we'd require a commitment that floodplain storage compensation would be undertaken.

We note that commitment W31 mentions that drainage ponds will be removed and land-levels re-instated following construction. However, this does not commit to floodplain storage compensation during the construction phase.

Please note, this issue relates to EA075.

EA075 Flood Risk

We do not consider this issue resolved.

We were 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.

We have reviewed the following documents:

- 9.84 Register of Environmental Actions and Commitments (REAC) (Tracked) [[REP3-079](#)]

The Applicant has updated commitment W01 to reflect that activities within the floodplain will be considered in accordance with a method approved under the Environmental Permitting Regulations. However, we require confirmation as to whether any land raising is proposed, and if confirmed, any measurements of it being provided in metres Above Ordnance Datum (AOD). This is part of our original request under EA075 in our relevant representation response [[RR-1586](#)].

This issue links with EA069, and EA070.

EA079 Flood Risk

We do not consider this issue resolved.

We have reviewed the following documents:

- 9.84 Register of Environmental Actions and Commitments (REAC) (Tracked) [[REP3-079](#)]
- 6.2.4.1 (D) Part 4 Marine Chapter 1 Physical Environment (Clean) [[REP3-020](#)]
- 3.1(F) Draft Development Consent Order (Tracked) [[REP3-007](#)]
- 6.8 Flood Risk Assessment [[APP-292](#)]

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 are pleased by the inclusion of commitment MPE08 in [[REP3-079](#)] relating to the exposure of offshore burial cables. We require confirmation whether this includes erosion in proximity to the shore where the cables will make landfall, and update the wording accordingly.

We note that the estimates on coastal erosion in relation to NCERM data are only referenced within Table 1.17 of the [[REP3-020](#)]. We would expect these estimates to also form part of, or at least be referenced in, the 6.8 Flood Risk Assessment [[APP-292](#)]. The FRA should clarify whether the NCERM estimates (presented within Table 1.17 of the Marine Physical Environment chapter) have any implications for the proposals as they currently stand. It was stated in the Examination meeting on 29 January 2026 that the applicant had no major concerns. However, this still needs to be addressed in the FRA. We expect this information to consider the rate of erosion and landfall location in relation to the relevant Shoreline Management Plan, and

reference any related Beach Management Plans. We only require this amendment to the FRA in regards to Suffolk.

We are pleased to see that “in consultation with the Environment Agency” has been added to requirement 13 Decommissioning of the [REP3-007]. This adequately addresses our concerns relating to decommissioning.

Regarding the wording for the Suffolk Landfall infrastructure decommissioning requirement, please see our answer to the examining authority’s question 77. in **Appendix A**. We request that this wording is included in the draft Development Consent Order.

We note National Policy Statement for Electricity Networks Infrastructure (EN-5), section 2.3.2 states that:

“As climate change is likely to increase risks to the resilience of some of this infrastructure, from flooding for example, or in situations where it is located near the coast or an estuary or is underground, applicants should in particular set out to what extent the proposed development is expected to be vulnerable, and, as appropriate, how it has been designed to be resilient to:

- *Coastal erosion – for the landfall of offshore transmission cables and their associated substations in the inshore and coastal locations respectively.”*

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 are pleased to see that the Environment Agency will be consulted on Requirement 13 (Decommissioning), within [REP3-007]. However, there has been no re-adjustment of the Mannings Roughness value in the hydraulic modelling relating to the River Fromus crossing, or a commitment to floodplain compensation. Therefore, this issue is unresolved.

From our Deadline 2 Response letter [REP2-050]:

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).

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).

We have not been provided with the requested information raised in our Deadline 2 Response letter [[REP2-050](#)]. Therefore, this issue is unresolved.

From our Deadline 2 Response letter [[REP2-050](#)]:

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 regarding:

- 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](#)].

APPENDIX C – Summary of our Position

Subject	Relevant Rep Reference	Deadline 1
Biodiversity	EA001	Not Resolved
Biodiversity	EA002	Not Resolved
Biodiversity	EA003	Issue Resolved
Biodiversity	EA004	Issue Resolved
Biodiversity	EA005	Issue Resolved
Biodiversity	EA006	Issue Resolved
Biodiversity	EA007	Issue Resolved
Biodiversity	EA008	Issue Resolved
Fisheries	EA009	Not Resolved
Fisheries	EA010	Not Resolved
Fisheries	EA011	Issue Resolved
Fisheries	EA012	Not Resolved
Fisheries	EA013	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
Fisheries	EA023	Issue Resolved
Fisheries	EA024	Issue Resolved
Geomorphology	EA025	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	Issue Resolved
Water Resources	EA034	Issue Resolved
Water Resources	EA035	Issue Resolved
Marine	EA036	Issue Resolved
Marine	EA037	Issue Resolved
Marine	EA038	Issue Resolved
Marine	EA039	Issue Resolved

Water Quality	EA040	Not Resolved
Water Quality	EA041	Not Resolved
Water Quality	EA042	Issue Resolved
Water Quality	EA043	Not Resolved
Water Quality	EA044	Issue Resolved
Water Quality	EA045	Not Resolved
Water Quality	EA046	Not Resolved
Water Quality	EA047	Issue Resolved
Waste	EA048	Issue Resolved
Waste	EA049	Issue Resolved
GWCL	EA050	Issue Resolved
GWCL	EA051	Issue Resolved
GWCL	EA052	Issue Resolved
GWCL	EA053	Not Resolved
GWCL	EA054	Issue Resolved
GWCL	EA055	Issue Resolved
GWCL	EA056	Issue Resolved
GWCL	EA057	Issue Resolved
GWCL	EA058	Issue Resolved
GWCL	EA059	Issue Resolved
GWCL	EA060	Issue Resolved
GWCL	EA061	Issue Resolved
GWCL	EA062	Issue Resolved
GWCL	EA063	Issue Resolved
Flood Risk	EA064	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
Flood Risk	EA071	Issue Resolved
Flood Risk	EA072	Issue Resolved
Flood Risk	EA073	Issue Resolved
Flood Risk	EA074	Issue Resolved
Flood Risk	EA075	Not Resolved
Flood Risk	EA076	Not Resolved
Flood Risk	EA077	Issue Resolved
Flood Risk	EA078	Issue Resolved
Flood Risk	EA079	Not Resolved
Flood Risk	EA080	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
Flood Modelling	EA091	Not Resolved
Flood Modelling	EA092	Issue Resolved
Flood Modelling	EA093	Issue Resolved
Flood Modelling	EA094	Issue Resolved
Flood Modelling	EA095	Issue Resolved
Flood Modelling	EA096	Issue Resolved

APPENDIX D – Continuation of our response to the Examining Authority’s Written Questions 1

ExQ1	Question to:	Question:	Environment Agency Response
1. General and Cross-topic Questions			
1GEN39.	Applicant Statutory undertakers	Article 44 Explain the implications for the inclusion of paragraphs (2) to (4) and signpost to similar paragraphs within made orders. Update the explanatory memorandum and other core documents accordingly. Statutory undertakers to also provide comment.	We have reviewed the wording for article 44, and do not have any comments. We are a statutory undertaker, but a main river is not considered apparatus. Furthermore, protective provisions are not included for the Environment Agency within the draft DCO.