



The Planning Inspectorate
Temple Quay House
Bristol
BS1 6PN

Our ref: XA/2026/100502/06-L01
Your ref: EN020026
Date: 13/04/26 April 2026

[submitted via PINS portal]

Dear Sir/Madam

Sea link planning Examination.

Thank you for inviting the Environment Agency to the Issue Specific Hearing 3 (ISH3) for Sea link. During this time, we received the following actions/ questions. Please see annex A-C for a detailed response. Please note our formal position outlined in Deadline 5 remains unchanged until a formal submission has been made by the applicant. In addition, we have remaining issues other than flood risk which need to be resolved

1. Submit any suggested drafting (whether relating to matters raised in ExQ3 or not) which you consider should be included in the draft Development Consent Order (dDCO), with reasons why you consider it is necessary (Annex1).
2. Provide a summary of the current position regarding outstanding issues raised at DL5, set out any live flood risk issues that the ExA needs to be aware of, and draft any additional commitments/requirements necessary to mitigate the effects of flood risk (Annex 2).

In addition, during the inquiry questions was raised about the sequential test. We have provided additional information (annex 2b) to avoid any confusion as to the EAS role.

3. Suffolk County Council (SCC), EA and applicant to pull together a position statement regarding the need, or otherwise, to locate the temporary drainage pond out of fluvial flood zone 3 in Suffolk (annex 3).
4. Joint position statement with respect to all matters relating to the proposed development meeting the objectives of the WFD. In answering confirm

position with respect to 5 outstanding matters identified at DL4 – EA040, EA041, EA043, EA045 and EA046 (annex 4).

We trust this advice is useful.

Yours faithfully


Planning Specialist – National Infrastructure Team

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Annex1: Draft DCO requirements

1. Submit any suggested drafting which you consider should be included in the draft Development Consent Order (dDCO), with reasons why you consider it is necessary.

We have spoken to the applicant who have assured us that they will be addressing our previous comments in the next round of technical submission. If that is the case the need for additional requirements is limited. We would like to reserve the right to suggest further ones/ alter the current suggested ones after the next written submission by National Grid should some of our points not be addressed.

At this time, we would like the addition of the following:

River Stour Channel

This requirement is necessary as it manages the risks of erosion in the area and the secondary risk of harm to habitat and protected species.

No installation of the cables in Pegwell Bay may commence until a monitoring and contingency plan has been submitted to and approved by the Marine Management Organisation in consultation with the relevant planning authority and the Environment Agency.

The monitoring and contingency plan will:

- *Set out monitoring proposals for the River Stour Channel within Pegwell Bay throughout the operational life of the cables. Monitoring will be undertaken annually for the first five years following installation of the cables, after which the frequency and scope of monitoring will be reviewed in consultation with the Environment Agency.*
- *Set out actions that will be undertaken if monitoring demonstrates that the River Stour channel is migrating to within 50m of the installed cables. Cable lowering would be the primary mitigation method. No mitigation would be proposed involving the use of sheet piling or dredging.*
- *Mitigation/ contingency measures will be agreed with and approved by the Environment Agency prior to the undertaking of any remedial works.*

Fromus:

This requirement includes a provision that specifies that if the bridge height is less than 6m, NGET will develop a monitoring and contingency plan to assess the impact of the bridge on macroinvertebrates and should an adverse effect be present, release funds from a contingency fund to fund measures to encourage as passage of macroinvertebrates along the waterbody. Detrimental harm to these species may undermine the WFD status thus adequate protection measures need to be put in

place. This agreement enables NGET to further consider a lower height bridge, as requested by ESC to minimise landscape and heritage impacts.

Bridge over the River Fromus

(a) Development of the bridge crossing of the River Fromus (part of Work No. 3a) must not commence until details of the layout and scale of the bridge have been submitted to the relevant planning authority, and the relevant local planning authority has confirmed, following consultation with the Environment Agency, that the parameters set out in (4)(b) have been met.

(b) The bridge over the River Fromus should be designed in accordance with the following parameters: (i) the bridge shall not have a soffit height lower than 10.49 m Above Ordnance Datum (approximately 4m above the Q95 flow level); (ii) abutments for the bridge shall be set back no less than 8m from the top of the bank; and (iii) the bridge shall not have a deck width greater than 6m.

(c) Should the bridge design comprise a soffit height of less 12.49 m Above Ordnance Datum (approximately 6m above the Q95 flow level), then development of the bridge must not 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.

The invertebrate monitoring and contingency plan 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 for a period of five years following completion of the construction of the Fromus crossing.
- (ii) Principles of the contingency monetary fund set out in (f) and criteria for when provision of the fund would be triggered.

(f) Following receipt and review of the monitoring results under (c), should the criteria in (c)(ii) be exceeded, then a contingency fund would be provided to fund measures to encourage the passage of macro invertebrates around the Fromus crossing and/or enhancement of Water Framework Directive invertebrate habitat upstream of the Fromus crossing. This would be secured via an appropriate legal agreement.

Annex 2: Flood risk issues update

Action: Provide a summary of the current position regarding outstanding issues raised at DL5, set out any live flood risk issues that the ExA needs to be aware of, and draft any additional commitments/requirements necessary to mitigate the effects of flood risk.

Since The EAs response on deadline 5 (dated 10th of March) we have several meetings with the applicant to agree a way forward. As requested during the inquiry this document provides an update on these conversations.

EA064 - Temporary bridge over River Stour showing level in mAOD.

Following our meeting on 19/03/26:

The applicant will provide drawings.

EA065 - Sequential approach to FZ3b.

This relates to a sequential approach, part b of the ET, and stipulations following passing of the Exception Test – [see Notes to Table 2 PPG Paragraph: 079](#)

Notes to Table 2:

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.*

Following our meeting on 19/03/26:

The applicant presented information relating to this but did not include anything within the post-meeting summary of actions. They are looking to split this assessment up into Suffolk and Kent.

Suffolk – only matter of potential concern is the temporary attenuation pond (coords: 640430, 262030). The applicant has suggested that this is outside of Flood Zone 3b and that using professional judgement it will not inhibit flood flow routes. We would anticipate this information to be included within the FRA for our consideration.

Kent- the applicant has suggested that raising of the ground is not proposed as part of the haul roads which we would seek to be secured through appropriate control documents. In relation to the temporary bridge within FZ3b we are waiting on an outline method statement, and outline design, which could be secured through appropriate

control documents. We would seek for the summary presented in our meeting to be included within the FRA.

Note::

- *They need to demonstrate a sequential approach to avoiding FZ3b.*
- *The development will be safe for its lifetime without increasing flood risk elsewhere.*
 - o *Floodplain storage*
 - o *Flood flow routes*

EA066 - Ex1.3.2 of the FRA [APP292] suggested local increases in flood risk which was of a concern and for which we were seeking clarity.

This relates to part b of the Exception Test.

Following our meeting on 19/03/26:

This is a miscommunication, and the applicant will update the FRA to better represent their intended meaning.

EA068 – stockpile location (setback and flood zone) commitment W06

Following our meeting on 19/03/26:

- Update wording to W06 for storing stockpiles / materials in FZ3b.
- Splitting out into Kent and Suffolk as more challenging for Kent due to large area of FZ3b.
- Suffolk
 - o Achievable to not store stockpiles / materials in FZ3b → will be stored in FZ1.
- Kent
 - o The applicant will suggest some wording on this matter for our consideration – we will await this and provide comment.

Notes:

- *The applicant should prepare a Flood Emergency Plan for the temporary construction compound located within Flood Zone 3a. This plan should set out the procedures that will be followed to manage flood risk to site personnel, materials and equipment during the construction phase.*
- *Where materials and equipment cannot be stored outside Flood Zone 3a, these should be capable of being removed from the floodplain prior to a flood event. The Flood Emergency Plan should therefore include a flood response procedure, identifying appropriate triggers (e.g., the receipt of a flood alert or flood warning)*

and the actions required to remove materials and equipment from the floodplain where practicable.

- *The plan should also demonstrate that safe access and egress arrangements for site personnel are available during a flood event, noting that it is for the LPA's Emergency Planning team to provide bespoke advice on this matter.*
- *Temporary construction compounds should be designed and managed so that flood flows are not impeded. For example, where appropriate, compounds could be raised or supported on structures such as stilts to allow flood water to pass beneath them. Any such structures should be regularly inspected and maintained, including the removal of debris that could accumulate and obstruct flows.*
- *These measures could be secured through the Construction Environmental Management Plan (CEMP).*

EA069 – Commitment to reinstate land

Following our meeting on 19/03/26:

W06 to be updated to include temporary works. We await updated wording and will then provide comment.

EA070 – FSC and attenuation ponds

This relates to part b of the Exception Test.

Following our meeting on 19/03/26:

Applicant to update FRA with information requested. We will take a view on whether their proposal is compliant with policy and whether a commitment is needed.

EA075 - No loss of flood storage, or impedance of flood flow because of haul roads – relates to W06.

This relates to part b of the Exception Test.

(Note that W06 is about removal post-construction

Following our meeting on 19/03/26:

Applicant proposing to update W06 (or other commitment) in relation to loss of flood storage relating to haul roads – a commitment to not do so.

W06	Application Document 6.2.2.4 Part 2 Suffolk Chapter 4 Water Environment and Application Document 6.2.3.4 Part 3 Kent Chapter 4 Water Environment	Changes to flood risk due to temporary working areas and access routes	Where new or additional impermeable surfacing is required on any access tracks, beltmouths and in compound areas e.g. for parking provision, site offices, Sustainable Drainage Systems (SuDS) will be incorporated, appropriate to the existing ground conditions, with infiltration to ground preferred where conditions are suitable. These would be put in place as early activities in the construction schedule so as to avoid or reduce working on land that is prone to waterlogging and flooding. The Proposed Project will incorporate appropriate surface water drainage measures into its final design for the haul roads and access tracks so that they do not lead to a significant increase in flood risk. Temporary	Control and management measure	Construction	Application Document 9-897.5.3 Outline Code of Onshore Construction Practice Environmental Management Plan	DCO Schedule 3, Requirement 6 Code of Onshore Construction Practice Environmental Management Plan
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(1) ID	(2) ES or Standalone Document Reference	(3) Potential Changes and Effects	(4) Mitigation commitment	(5) Mitigation	(6) Project Phase	(7) Securing Document/Plan	(8) Securing Mechanism
			haul routes and all other temporary areas within Flood Zone 3 and areas of high and medium risk of flooding from surface water will be removed at the end of the construction phase and the ground surface will be reinstated to pre-project levels, except in instances where the ground level has been adjusted as part of the Proposed Project subject to the provisions of the draft DCO in Article 27. 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.				

EA076 – 16m setback for tidal watercourses (Wording within mitigation commitments GG14 and W02 reflects activities occurring 15m from watercourse.)

Applicant updated W02 (but not GG14).

We requested other activities to also be included within the definition. In a response dated 10/03/2026 we requested a commitment concerning margins for compound areas, heavy machinery, etc.

Waiting on a response to this request.

EA079 – Commitment MPE06 on monitoring of foreshore / landfall and appropriate remediation.

Following our meeting on 19/03/26:

Update the FRA to include more evidence base for impacts of coastal erosion and flood risk over the Project lifetime, using information from the Marine Physical Processes ES assessment.

Consideration of update to MPE06 with proportionate commitment to monitoring and remediation to prevent cable exposure.

EA081 – Fromus bridge decommissioning

This relates to part b of the Exception Test.

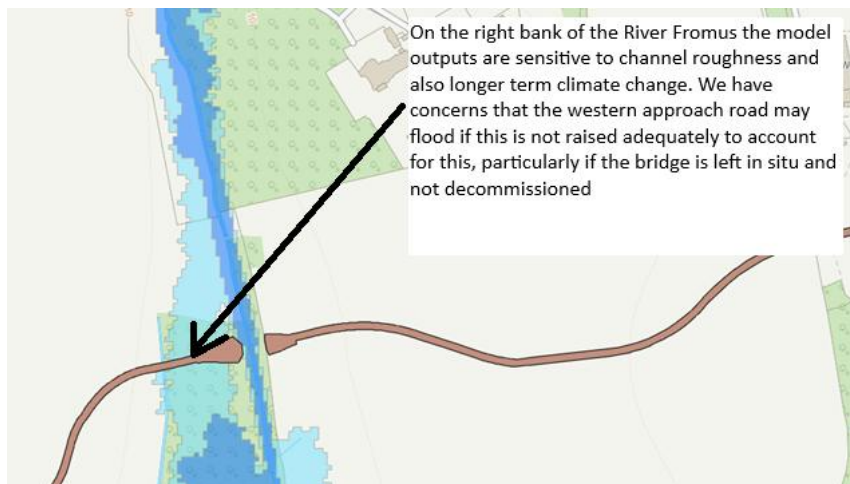
Following our meeting on 19/03/26:

Update the FRA to include the additional information presented characterising flood risk to the western approach road to the Fromus bridge.

Potential raising of road to ensure site remains operational.
Assured that applicant will maintain maintenance of crossing.
Applicant looking to retain crossing so further deliberation of appropriate design flood level related to proposed design life – suggested it could be in perpetuity.

This issue relates to the proposed crossing over the River Fromus in Suffolk (see map in figure 1 below).. The concern relates to the western approach road. We want to confirm that this road would be raised noting that it is modelled at existing ground levels within the hydraulic model. The reason for this is that the model outputs show the design flood extent in this location is sensitive to mannings roughness values. The flood extent is also sensitive to the climate change applied. With increased roughness and/or upper climate change allowances (which may materialise if the bridge is left in place indefinitely) the western access route could be affected by flooding. This should be raised to ensure it doesn't flood.

Figure 1: Location of the Fromus crossing and the potential flood risk to the western approach road



EA083 – Bridge construction method statement and outline design

Following our meeting on 19/03/26:

The Applicant has prepared the requested high level method statement to share with the EA. The Applicant wishes to emphasise that the bridge would be constructed offline and lifted into place, so there would be no construction work over the river channel.

We will take a view based off this.

EA088 - Details omitted relating to HDD exit pits and use of rock bags/concrete mattresses.

Following our meeting on 19/03/26:

Applicant clarified that the features discussed are outside of the 16m bylaw margin. Confirmation needed in DCO submission – if so issue is resolved.

Applicant highlighted the following:

Extract from document 9.13:PegwellBay Construction Method Technical Note [REP4-229]

- After construction of the trenchless crossing (HDD), [temporary] rock bags/concrete mattresses may be placed over the HDD ducts to provide sufficient protection of the ducts until cable installation can commence.

- [In the permanent case] post-installation protection such as rock bags/concrete mattresses maybe added to stabilize the HDD exits, replacing the existing temporary protection. This protection would be buried. The top of the duct would be approximately 1.1 m below the seabed and the top of the rock bags/mattresses laid on top approximately 0.5 m below the seabed.

Distances from main river as per earlier responses on cofferdam:

- At the Kent landfall, rock bags/concrete used at the HDD exit (in the temporary and permanent case) will not be located within 16m of the River Stour (tidal element) or the coastal flood defences.

- HDD exits will be located within the temporary coffer dams at the landfall, which are located >

EA089 - Omission of details regarding mitigation for storage of materials within the River Stour floodplain.

Following our meeting on 19/03/26:

Applicant suggested some wording which we review on submission.

The following wording is proposed:

For events up to and including the 1% Annual Exceedance Probability flood events plus climate change, where pylons and a temporary drainage pond would be located within the fluvial floodplains of watercourses as part of the Kent Onshore Scheme, compensatory storage within the Order Limits will be provided for loss of floodplain storage, in accordance with a Floodplain Compensation Strategy to be agreed with the Environment Agency.

Its yet to be determined if this is going to be a requirement or if this can be resolved via other mechanisms.

EA091 - Positioning of temporary ponds

This relates to part b of the Exception Test.

This issue relates to a temporary attenuation point in the floodplain in Suffolk (grid reference 640430, 262030 also see the map in figure 2 below). The applicant has confirmed that this would be in place for 2 years and that it is not possible to move it outside of the Flood Zones (noting since the inquiry this may have changed). The key things we were looking for from the applicant with respect to the temporary attenuation pond are as follows:

- 1. Clarity on the loss of storage and flood risk impacts from the attenuation pond. If the attenuation pond lies within Flood Zone 3b, the applicant should be mindful of the requirements of the Exception Test*
- 2. Confirmation that the crest level of the attenuation pond would be above the 1 in 100-year flood level*

Figure 2: Location of the temporary attenuation pond which falls within Flood Zone 3. Pond is in Suffolk at grid reference 640430, 262030



Annex 2b : Sequential Test

Further guidance on how to apply the sequential test to site specific applications can be found in the planning practice guidance [here](#).

- Is about site selection not design.
- It requires consideration of reasonably available alternatives.
- The aim is to avoid flood risk where possible, rather than manage it.

We can advise on the relative flood risk between the proposed site and any alternative sites identified. It is not appropriate for the EA to advise on whether alternative sites are reasonably available or whether they would be suitable for the proposed development.

We also won't advise on whether there are sustainable development objectives that mean steering the development to any alternative sites would be inappropriate.

It is not the EAs remit to determine whether the sequential test has been passed this is for the decision maker.

The Exception Test is in two parts described in the National Policy Statement for Energy NP1 and the National Planning Policy Framework.

For the Exception Test to be passed it must be demonstrated that

- a) The development would provide wider sustainable benefits to the community that outweigh flood risk and
- b) The development will be safe for its lifetime taking account of the vulnerability of its users without increasing flood risk elsewhere and where possible will reduce flood risk overall

The Environment Agency provide advice on the second part of the test (part b) but it's for the decision maker to consider the first part of the test and determine whether the test overall has been satisfied.

Annex 3: Suffolk County Council (SCC), EA and applicant to pull together a position statement regarding the need, or otherwise, to locate the temporary drainage pond out of fluvial flood zone 3 in Suffolk.

Please note since these conversations have occurred the position on the drainage pond in temporary fluvial flood zone 3 has been superseded. National Grid have now, recently proposed a linear drainage feature. Conversations have occurred and we are awaiting additional information. Once received we are intending to meet to provide a joint position on the need to locate the temp drainage pond out of fluvial flood zone 3 and the linier structure.

Annex 4: Joint position statement with respect to all matters relating to the proposed development meeting the objectives of the WFD. In answering confirm position with respect to 5 outstanding matters identified at DL4 – EA040, EA041, EA043, EA045 and EA046.

In order to reach a comment ground, we need to review the updated documents relating to these matters. These have yet to be received – Please see our comments raised in our deadline 5.