

**The Planning Inspectorate
Temple Quay House
Bristol
BS1 6PN**

**Our Ref: XA/2025/100350/07
Your Ref:
Date: 29/04/26**

To whom it may concern,

SEA LINK, EAST ANGLIA AND KENT

ENVIRONMENT AGENCY RESPONSE FOR DEADLINE 7.

This response constitutes the Environment Agency's response to National Grids recent submission.

Following our review, we respond to the outstanding issues raised within our Relevant Representation [RR-1586].

We are pleased to see several of our issues have been resolved. There are however a few that remain outstanding in the areas of water quality and flood risk.

In addition, there are a few points in the updated Development Consent Order itself which we require resolving to ensure that the environment is protected.

This letter is therefore comprised of the following:

- Appendix A: Environment Agency's response to outstanding issues raised within our Relevant Representation.
- Appendix B: Issues identified in the updated Development Consent Order
- Appendix C: Summary of our position

Yours sincerely


Planning Account Manager, Environment Agency

Appendix A: Environment Agency’s response to outstanding issues raised within our Relevant Representation.

Flood Risk Unresolved Concerns

EA068

Document Reference(s): Relevant Representation EA068. REP6-052 Document 6.8 Flood Risk Assessment Version B April 2026 and REP4-232 Document 9.83: Outline Code of Construction Practice	
Issue	Open-cut crossings of main rivers suggested under W02. Stockpile setback distances don’t consider flood zones.
Impact	Increased flood risk from construction activities.
Solution	Clarify no open-cut crossings of main rivers. Ensure stockpiles are outside of Flood Zone 3b and preferably 1% AEP flood extent.
Issue	The flood risks associated with construction compounds have not been suitably addressed.
Impact	Not putting suitable measures in place results in increased risk on the environment from a flood risk and water quality perspective.
Solution	An appropriate Flood Emergency Plan to be put in place
Detailed comments:	
<p>Item W06 has also clarified that due to the nature of the Flood Zone in Kent, not all materials could be removed from the Flood Zone.</p> <p>It is suggested that pylon materials are to be stored for 30 days, and some mitigation measures have been proposed. However, these commitments are vague and limited.</p> <p>Item W06 suggests that upon a flood warning, there will be protocols to remove materials from Flood Zone 3b, however W06 does not commit to a new location for these materials, nor does it clarify if there are alternative areas to which materials could be stored to avoid Flood Zone 3b altogether.</p> <p>Item W06 also mentions monitoring forecasts as mitigation, however there is no mention of working within a tidal environment and the implications this may cause on the work, such as high tides, tidal cycles etc. The commitment should be expanded to highlight the need to monitor tidal information.</p> <p>Please note the following suggestions in relation to managing construction works in Flood Zone 3:</p> <ul style="list-style-type: none"> • The applicant should prepare a Flood Emergency Plan for stockpiles located within Flood Zone 3. 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 3, 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 Local Planning Authority's (LPA) Emergency Planning team to provide bespoke advice on this matter.

- These measures could be secured through the Construction Environmental Management Plan (CEMP).

EA070

Document Reference(s): Relevant Representation EA070. REP6-052 Document 6.8 Flood Risk Assessment Version B April 2026. CR1-025 2.14.2 Indicative General Arrangements Plans – Kent (version 2)

Issue	Details omitted regarding temporary attenuation ponds and outfalls within flood plain. Unknown construction method and details on the expected changes in ground level in order to construct these temporary features.
Impact	Changes in ground level to accommodate any attenuation basins may increase flood risk.
Solution	<p>Details of attenuation ponds and construction methods including whether any changes to ground level are required to be submitted and reviewed. These details should be included in the CEMP.</p> <p>Changes in ground level to accommodate any attenuation basins, must be carefully designed to mitigate impacts of loss of flood storage and changes in flow path. Please see the additional comments below:</p>

Detailed comments:

Whilst we welcome the additional detail that the applicant has provided in relation to temporary attenuation pond in Suffolk (TC-40-ATPN) and sections 4.3.12 and 4.3.13 of the Flood Risk Assessment and the consideration of an alternative option for surface water storage we have some concerns and require additional detail with respect to the alternative solution which has been proposed.

These are as follows:

The Lead Local Flood Authority and the Environment Agency remain concerned over the applicant's proposal to site surface water drainage storage features within Flood Zone 3. Generally, our advice is for applicants to apply a sequential approach by positioning all surface water infiltration basins within Flood Zone 1. This is for a myriad of reasons relating to the interaction between flood sources in times of flood and creating new flood flow routes.

Considering the updated proposal to use a linear infiltration system, we are concerned about the interaction between different flood sources, flood flow routes, and the operability of the drainage scheme in times of fluvial flood. Whilst the issue of fluvial flood storage may have been (partially) resolved by the linear solution, it is unclear how the interaction between different flood sources would be managed if fluvial and surface water design flood events (1 in 100-year AEP) were to coincide. If a fluvial flood event occurs, then this could prevent the storage basin trenches from operating as intended for a sustained period. It is unclear how the infiltration basin can operate as intended if submerged. The applicant should provide an explanation of how this issue will be addressed in line with the mitigation hierarchy (see PPG

Paragraph: 004). Additionally, we have concerns about how the applicant will ensure that no new fluvial flood flow routes are formed via the linear solution in times of flood - this must be demonstrated.

Whilst we acknowledge that joint probability analysis can be applied when considering the interaction between different flood sources. This may not be sufficiently justified in this case due to the catchment for the ordinary watercourse, which is a tributary of the Fromus, being relatively small (~3km²). A smaller catchment implies that an interaction between pluvial and fluvial sources is more likely to occur.

We are seeking:

- for the applicant to address the above concerns which derive from positioning drainage infrastructure within Flood Zone 3 (for Suffolk only)
- for the applicant to demonstrate that the (temporary) surface water drainage system will operate as designed for the 1 in 100-year AEP pluvial storm event, even if a fluvial flood event has occurred (for both Suffolk and Kent)
- clarity on the overriding reasons to prefer a location, for the storage basin, outside of Flood Zone 1 (for Suffolk only)
- a drawing detailing the proposed location of surface water flood storage basin trenches relative to flood zones to accurately deduce the proposed interaction area and scale of risk (for both Suffolk and Kent)
- clarity on how new flood flow paths will be prevented. (for Suffolk only)

There is no mention of expected changes in ground levels in order to construct the attenuation basin, particularly relating to the "raised embankment". More detail regarding height and dimensions of this embankment in mAOD would be useful (for Kent only)

EA075

Document Reference(s): Relevant Representation EA075. Document REP3-232 9.83 (B) Outline Code of Construction Practice

Issue	Item W06 within the Outline Code of Construction Practice: Temporary and permanent haul / access roads within floodplain.
Impact	Changes in ground level have the potential to displace flood water and reduce flood storage capacity
Solution	There should be no loss of flood storage, or impedance of flood flow as a result of these works. Confirmation should be sought whether land raising is proposed, and measurements in mAOD should be included. Please see additional comments below for further clarity on the remaining concerns.

From a Kent perspective this issue appears to have been addressed as the commitment has stated no ground raising where haul or access roads are to be placed.

From a Suffolk perspective, we welcome the commitment for W06 (i.e. where construction routes cross Flood Zone 3 haul roads will be at grade). Confirmation is required this will be for the whole site and not just Kent?

EA079

Document Reference(s): Relevant Representation EA079. REP6-052 Document 6.8 Flood Risk Assessment Version B April 2026 and REP6-134 Document 9.84: Register of Environmental Actions and Commitments (REAC)	
Issue	We welcome the assessment of coastal erosion rates at the landfall. There does not appear to be a commitment to remediation at the Suffolk landfall if cables become exposed
Impact	Cables could become exposed if remediation is not secured
Solution	We would like a commitment to include remediation if the cables are projected to, or do, become exposed over the operational lifetime of the development. This could potentially be included within MPE06 of Document 9.84: Register of Environmental Actions and Commitments (REAC).
For Suffolk, we welcome the additional detail provided within the Flood Risk Assessment. With regards to paragraph 3.3.6 within Document 9.140: Outline In Principle Monitoring Plan. We would like a commitment to include remediation if the cables are projected to, or do, become exposed over the operational lifetime of the development - possibly within item MPE06 of Document 9.84: Register of Environmental Actions and Commitments (REAC)	

EA081

Document Reference(s): Relevant Representation EA081. REP6-052 Document 6.8 Flood Risk Assessment Version B	
Issue	Bridge may be retained after operation phase without adaptation plan for future flood risk.
Impact	Retained structure may limit floodplain function and increase climate change risk.
Solution	Applicant to include the +100mm raising of the Western Approach Road to the Fromus Bridge as a commitment. Please see the additional comments below for further details
We welcome the additional analysis that the applicant has undertaken with regards to the western approach road to the Fromus Crossing and the option to raise part of the approach road by 100mm to mitigate against flooding to the access ramp. We would like the applicant to include this +100mm raising as a commitment	

Flood Risk Resolved issues:

EA064

This issue is now resolved. A new bridge cross section drawing and technical note is included in Appendix E of the updated Flood Risk Assessment. The soffit level for the bridge over the River Stour is shown in mAOD and is 6.35 mAOD with a 4 metre clearance above Mean High Water Spring level. A Flood Risk Activity Permit (FRAP) is required which will require further detail. This is separate to the planning process.

EA065 - This issue is now resolved

EA066 - This issue is now resolved

EA069 - This issue is now resolved

EA076- This issue is now resolved

EA083- This issue is now resolved. The detailed design is to be agreed outside of the DCO stage during the FRAP stage.

EA088 - This issue is now resolved

EA089 - This issue is now resolved

EA091 - This issue is now resolved

Water Quality Unresolved: EA41 and EA45

Document: REP6-135 Register of Environmental Actions and Commitments (REAC) REP6-075 Outline Onshore Construction Environmental Management Plan (OCEMP) REP5-084 Suffolk Drainage Strategy REP5-086 Kent Drainage Strategy	
Issue	Whilst GG17 in the REAC [REP6-135] and OCEMP [REP6-075] has confirmed that flows from wheel washing and concrete batching plant areas will be discharged to foul sewer, or be collected and contained on site, If this second option is used it is not specified how the contaminated water will be disposed of appropriately.
Impact	Although settling tanks can be used for suspended solids, concrete contains hazardous substances like heavy metals and calcium hydroxide. Whilst GG17 says that the Applicant can neutralise pH, there remains a risk of degrading water quality if this contaminated water associated with concrete batching and any surface runoff near curing concrete is released.
Solution	The Applicant should commit to tankering water associated with concrete offsite, if it cannot be discharged to the foul sewer. Until this is done, EA041 remains unresolved.
Additional dialogue / commentary: We also wish to reiterate comments made at previous deadlines (such as REP5-173) that sections 8.1.9 in the Kent Drainage Strategy [REP5-086] and 8.1.8 in the Suffolk Drainage Strategy [REP5-084] still have no commitment to provide the timing for in-situ pours, or for control concrete washout. Concrete that is recently laid should be covered to minimise contact with surface runoff.	

Water Quality Resolved

EA040 is resolved: Section 8.1.13 in the Kent Drainage Strategy [REP5-086] has been updated to provide details on the penstock. The same wording has been used in 8.1.12 Suffolk Drainage Strategy [REP5-084]. W26 which was updated in the REAC at the previous deadline [REP5-116] is also satisfactory.

EA043 is now resolved as W20 and W24 in the REAC [REP6-135] and OCEMP [REP6-075] have been updated to say that SuDS would be maintained in accordance with a SuDS maintenance schedule. This addresses our concerns over silt control measures.

EA046 is resolved as W26 in the REAC [REP6-135] and OCEMP [REP6-075] have been updated to include monthly water quality monitoring will be undertaken in the year prior to construction commencing, and Monthly post-construction monitoring will be undertaken for 6 months. We would advise the Applicant that section 18 'Monitoring and Review' in the oCEMP is updated to include specific reference to water quality monitoring, however as the Environment Agency is named as a consultee in Requirement 6 (1) (a) Onshore Construction Environmental Management Plan in the Draft Development Consent Order [REP6-005], this is resolved.

Water Quality and Flood Risk unresolved Issues:

Managements Plans and Commitments

We are pleased to see the Environment agency as named consultees in a variety of management plans – we would however require this list to be expanded to include:

To be approved:

- Materials and waste env management plan
- Flood management plan
- Landscape ecology management plan
- Drainage management plans (EA045)- As per our response [REP5-173], we still have concerns around overpumping and how the Applicant defines a 'case of an emergency' which they refer to in GG15 in the REAC [REP6-135] as a reason they may discharge without a permit as this can increase the quantity of sediment/silt entering watercourses.
- Construction Environmental Management plan.

Appendix B: Issues identified in the updated Development Consent Order

Part 2 Principal powers:

We have concerns over “Limits of deviation – which would the development to occur – “downwards to such and extent the undertaker considers necessary or convenient”. We request that this is updated to include no lower than levels stipulated in Flood Risk Assessment.

Schedule 16 Procedure for Discharge of Requirements

As a named consultee on the discharge of several Requirements, we require the provision of at least 21 calendar / 15 business days in which to respond to the discharge authority. This should be reflected in the Development Consent Order.

				along the Suffolk coast.							
Fisheries	EA016	APP-293 WFDa	Suffolk	cabling heat and Thermal Plumes impacts on Smelt							
Fisheries	EA017	APP-293 WFDa	Suffolk	update brown trout data							
Fisheries	EA018	APP-049 Suffolk Chapter 2	Suffolk	Salmon and Eels legislation							
Fisheries	EA019	APP-293 WFDa	Suffolk	noise impacts on fish from construction							
Fisheries	EA020	APP-045 Chapter 4	Suffolk	Culverts							
Fisheries	EA021	APP-341 OCOCP	Suffolk	control and management of eels							
Fisheries	EA022	APP-049 Suffolk Chapter 2	Suffolk	Vibro pilling near salmon							
		APP-293 WFDa	Suffolk	percussive pilling in the fromus near salmon							
Fisheries	EA023	APP-049 Suffolk Chapter 2	Suffolk	Risk to fish entrapment at outfalls							
Fisheries	EA024	APP-160 Aquatic Ecology report	Kent	include sea trout for impacts in River Stour							
Geomorphology	EA025	APP-049 Suffolk Chapter 2	Both	culverts							
		APP-062 Kent Chapter 2	Both								
		APP-341 OCOCP	Both								
Geomorphology	EA026	APP-074 Marine	Both	Quantitative shear strength							

		chapter 1		modelling/scour assessment							
Geomorphology	EA027	APP-195 Suspended sediment modelling	Both	Expand analysis including landfalls locations							
Geomorphology	EA028	APP-049 Suffolk Chapter 2	Suffolk	Specify the size of attenuation/settling ponds, clarify whether culverts will be permanent or temporary							
Geomorphology	EA029	APP-074 Marine chapter 1	Suffolk	Micro-siting the route to avoid coralline crag outcrop							
Geomorphology	EA030	APP-074 Marine chapter 1	Suffolk	site breakout plan that avoids coralline outcrop							
Geomorphology	EA031	APP-074 Marine chapter 1	Kent	timescales of recovery and understanding on going issues of soft sediment							
Geomorphology	EA032	APP-293 WFDa	Kent	at least 3m burial under the low flow channel of the stour							
Water Resources	EA033	APP-340 Outline Onshore CEMP	Both	Water Supply strategy and options appraisal							
		APP-342 REAC	Both	Water Supply strategy and options appraisal							
Water Resources	EA034	APP-051 Suffolk Chapter 4	Both	Impoundments and non-consumptive and							
		APP-064 Kent Chapter 4	Both	consumptive, dewatering and other activities							
Water Resources	EA035	APP-117 Qualita	Suffolk	dewatering receptors							

		tive GWRS		should be included							
Marine	EA036	APP-357 Outlien Offshore INNSMP	Both	Re-assess the dispersive stages of INNS may travel in relation to the project.							
		APP-360 Marine Biosecurity Plan	Both								
Marine	EA037	APP-360 Marine Biosecurity Plan	Both	Incorporate water sipora subatra within the biosecurity plan							
Marine	EA038	APP-293 WFDa	Kent	complete the sentences							
Marine	EA039	APP-075 Marine Chapter 2	Kent	Specify the equipment transported to the HDD entry pits, not across saltmarsh. Update the offshore CEMP							
		APP-293 WFDa	Kent								
Water Quality	EA040	APP-045 Chapter 4	Both	Fire suppression system and should be added as control management issues in OEMP							
		APP-051 Suffolk Chapter 4									
		APP-064 Kent Chapter 4									
Water Quality	EA041	APP-045 Chapter 4	Both	Contaminated water must be disposed off site or treated. run off form batching plant must be seperated from the site drainage.							
		APP-051 Suffolk Chapter 4									
		APP-064 Kent Chapter 4									
Water Quality	EA042	APP-045 Chapter 4	Both	herbicide use near WC and measure included in CEMP							

GWCL	EA050	APP-293 WFDa	Both	GW bodies are scoped out of the zone of interest, the EA have not agreed this. And HRA requires: assessment of drilling muds, HDD breakout plan and Receptors identified.								
		APP-052 Suffolk Chapter 5 geology										
		APP-065 Kent Chapter 5 geology										
GWCL	EA051	APP-340 Outline Onshore CEMP	Both	FRAC out MP should include the muds and referenced in the CEMP								
GWCL	EA052	APP-117 Qualita tive GWRS	Both	Update all documents to avoid and mitigate GW bodies with updated guidance								
		APP-170 Qualita tive GWRS										
		APP-341 OCOCP										
GWCL	EA053	APP-065 Kent Chapter 5 geology	Both	Desk based assessment of thermal impacts to GW bodies form cabling								
		APP-052 Suffolk Chapter 5 geology										
GWCL	EA054	APP-052 Suffolk Chapter 5 geology	Both	Include unexpected contamination requirement								
		APP-065 Kent Chapter 5 geology										
		APP-341 OCOCP										

GWCL	EA063	APP-117 Qualitative GWRS	Suffolk	Unexpected GW will need to be managed and contingency plan during excavations							
Flood Risk	EA064	APP-037 Design and Layouts	Both	Fromus bridge design, sofit height mAOD to be reviewed by EA							
		APP-045 Chapter 4									
		APP-292 FRA									
Flood Risk	EA065	APP-292 FRA	Both	Apply sequential approach to avoid flood zone 3b where possible, justify when within							
Flood Risk	EA066	APP-292 FRA	Both	Provide identification of medium risk areas and mitigation plans							
Flood Risk	EA067	APP-292 FRA	Both	Expan plan to include temporary/per manent flood defence repair procedures linked to settlement monitoring							
Flood Risk	EA068	APP-292 FRA	Both	Clarify no open cut crossings of main rivers and ensure stock piles outside flood zone 3b and 1% AEP							
Flood Risk	EA069	APP-292 FRA	Both	Flood compensatory storage for any ground raising, materials stored outside							

				of Floodzone 3b								
Flood Risk	EA070	APP-039 Indicative general arrangements Kent	Both	Details of attenuation ponds and construction methods, ground levels changes and reviewed. Include in CEMP								
		APP-292 FRA										
Flood Risk	EA071	APP-340 Outline Onshore CEMP	Both	Clarify fence locations and ensure they do not impede access to river and flood defences								
Flood Risk	EA072	APP-292 FRA	Both	Confirm techniques that will monitor existing flood defences and which ones								
		APP-341 OCOCP										
Flood Risk	EA073	APP-051 Suffolk Chapter 4	Both	Blockage assessments and sensitive receptors at risk, confirm suitability under flood conditions and for retained culverts. Assessment of flood risk should be provided								
		APP-064 Kent Chapter 4										
Flood Risk	EA074	APP-051 Suffolk Chapter 4	Both	Clarify sensitivity rating for receptors as people, property and infrastructure								
		APP-064 Kent Chapter 4										
Flood Risk	EA075	APP-341 OCOCP	Both	No loss of flood plain or impedance of flood flow. Confirm where								

				land raising is proposed and measurements in mAOD.							
Flood Risk	EA076	APP-342 REAC	Both	Update wording to reflect 16m from WC from tidal main rivers, updated in the CEMP							
Flood Risk	EA077	APP-292 FRA	Suffolk	confirm numebr of locations of retained culverts and ensures FRA covers all crossings							
		APP-051 Suffolk Chapter 4									
Flood Risk	EA078	APP-292 FRA	Suffolk	Confirm Confidence level of HDD feasibility							
		APP-119 Ground Investigations Suffolk									
Flood Risk	EA079	APP-292 FRA	Suffolk	Coastal erosion assesment should be provided. Commitment to remove cabling and ducts at decommissioning, include in FRA							
		APP-074 Marine chapter 1									
Flood Risk	EA080	APP-051 Suffolk Chapter 4	Suffolk	Monitoring of settlement and flood defences, with emergency triggers and actions. EA notification and details included in CEMP							
		APP-292 FRA									
Flood Risk	EA081	APP-051 Suffolk Chapter 4	Suffolk	Confirm if bridge will be decomissioned or provide							

				adaptation for flood risk							
Flood Risk	EA082	APP-051 Suffolk Chapter 4	Suffolk	Conduct assessments of less than 3 km ² catchments and incorporate into the Flood Risk Assessment.							
Flood Risk	EA083	APP-045 Chapter 4	Kent	River Stour mitigations in the CEMP							
Flood Risk	EA084	APP-045 Chapter 4	Kent	Clarification is needed as to the location of earth bunds and significant ground level raising.							
Flood Risk	EA085	APP-045 Chapter 4	Kent	temporary scaffolding over river stour, we require details of methods statement, installation and removal in and emergency included in the CEMP							
Flood Risk	EA086	APP-045 Chapter 4	Kent	Confirmation or details of coffer dam locations to be submitted to ascertain exact location.							
Flood Risk	EA087	APP-074 Marine chapter 1	Kent	Kent Landfall cofferdam unclear. Design details location and methodology required in CEMP. Confirm distance from defence line/main river							

Flood Modelling	EA093	APP-038 Indicative general arrangements suffolk	Suffolk	Please review the updated Risk of Flooding from Surface Water mapping in the context of the temporary attenuation basin located just to the northeast of construction compound S03.							
Flood Modelling	EA094	APP-038 Indicative general arrangements suffolk	Suffolk	Review the flood risk from ordinary watercourses to ensure infrastructure is appropriately located. Attenuation pond and construction compound S02 and crossing S/WA/0057.							
		APP-292 FRA									
Flood Modelling	EA095	APP-292 FRA	Kent	Ensure culverts are designed such that they can easily convey the design flood flow for these watercourses							
Flood Modelling	EA096	APP-064 Kent Chapter 4	Kent	check New NaFRA2 data is included							