



Via email:

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**Our ref:** AE/2019/124763/02-L01  
20024916

**Your ref:** EN010078

**Date:** 2 November 2020

Dear Sir/Madam

**APPLICATION BY EAST ANGLIA TWO LIMITED FOR AN ORDER GRANTING DEVELOPMENT CONSENT TO CONSTRUCT AND OPERATED THE PROPOSED EAST ANGLIA TWO OFF-SHORE WINDFARM**

Please find below the Environment Agency's further written representation for the East Anglia TWO offshore wind farm project.

**Summary of Representation**

Since submitting our Relevant Representation for this proposal, we have worked with the applicant to address the issues we raised through the preparation of a Statement of Common Ground (SoCG). A first draft SoCG was submitted by the applicant on 10 June 2020 (Document Reference: ExA.SoCG-3.D0.V1).

Whilst we were broadly satisfied with the level of assessment and mitigation measures proposed as part of the application, the main focus of discussions with the applicant has been to ensure that an appropriate level of assessment is undertaken and informs the detailed design and implementation of the proposed scheme. It is our view that adequate processes have been proposed to enable this to happen for issues within our remit.

Our Written Representation provides an update on issues previously raised, and confirms our current position in accordance with the draft SoCG.

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## **1.0 Marine & Coastal Physical processes**

1.1 We have confirmed within the draft Statement of Common Ground that we have no concerns regarding issues within our remit in respect of this aspect of the scheme. We have also responded to question 1.11.9 of the Examining Authority's first written questions (ExQ1), to confirm that we have no cause to question the conclusions presented on the extent of future coastal erosion.

1.2 We would however emphasize the importance of ensuring that East Suffolk Council, as the lead coastal protection authority for this section of the coastline, are satisfied with this aspect of the proposals.

## **2.0 Ground Conditions and Contamination**

2.1 We confirmed in our Relevant Representation that we were generally satisfied with the embedded mitigation measures proposed to protect groundwater laid out in Document 6.1.18, Table 18.2. The applicant has confirmed through the draft SoCG that the Code of Construction Practice (CoCP) (draft DCO Requirement 22) will incorporate provisions to deliver this mitigation along the cable route and at the substation site, and that the Environment Agency will be consulted on the relevant sections as requested. In respect of this issue, those sections will include hydrogeological risk assessments (HRA) undertaken as specified below; and groundwater protection method statements as part of the pollution prevention and response plan. Also included for consultation with the Environment Agency are the draft site waste management plan and the materials management plan. This is to be confirmed in an updated Outline CoCP,

2.2 In respect of works at the landfall, the detailed HRA and methods to prevent groundwater contamination are to be included in the Landfall Construction Method Statement (draft DCO Requirement 13). The applicant has confirmed in the draft SoCG that we will be consulted during the preparation of this document.

## **3.0 Flood Risk**

3.1 Our Relevant Representation highlighted that the land proposed to be used as a construction laydown area for the bridge strengthening works at Marlesford (Work No. 37), was within Flood Zone 3 (high risk), with the majority being Flood Zone 3b (functional floodplain). Although the proposed works are likely to be considered 'Essential Infrastructure', and therefore not inappropriate at this location, we were concerned that any built development or land raising could increase the risk of flooding elsewhere and that risk may not be capable of being sufficiently managed. The flood risk at this site was not considered in the submitted Flood Risk Assessment (FRA).

3.1 This issue has been further discussed with the applicant. The applicant has confirmed that it is not yet known if the site will be required, or what the specific nature of the works on site will be, making it difficult to prepare an FRA.

3.2 We have further considered the specific characteristics of the flood zones at this location. Given the large upstream floodplain, and the absence of built property at risk, it is our view that any potential increase in off-site flood risk is capable of

being effectively managed.

3.3 A Flood Risk Activity Permit from the Environment Agency will be required prior to the commencement of any significant works within 8 metres of the Main River Ore at this location. A Flood Risk Assessment is required to accompany the permit application. We are satisfied that the flood risk implications can be considered and adequately addressed at that stage when the site specific details are known.

3.4 The draft Statement of Common Ground (June 2020; Document Reference: ExA.SoCG-3.D0.V1) between the Applicant and the Environment Agency confirms that: “The Applicants and Environment Agency agree that to resolve this matter the Applicants will undertake a Flood Risk Assessment of works required within Work No. 37 as part of any future Environmental Permit application.”

3.5 We have confirmed in our response to question 1.7.1 of the Examining Authority’s first written questions, that we remain otherwise satisfied with the applicant’s approach to managing fluvial flood risk. A further ‘Flood Management Plan’ is to be prepared as part of the CoCP. Section 20.3.3 of the Environmental Statement (document reference 6.1.20) states that this will be developed in consultation with the Environment Agency and LLFA. The draft SoCG confirms that this will be noted in an updated Outline CoCP.

3.6 Additionally, the applicant has confirmed within the draft SoCG that the final CoCP will include a commitment to not store materials “within Flood Zone 2 or Flood Zone 3 along the length of the onshore cable route, and to store spoil outside of the Hundred River flood plain”. This was a specific request in our Relevant Representation to ensure no increase in flood risk elsewhere, and as a measure to protect water resources from pollution and increased sedimentation.

#### **4.0 Water Resources and Water Quality**

4.1 As included in our Relevant Representation, we were generally satisfied with the assessment of impacts undertaken and the mitigation proposed. We requested further clarification on a number of issues.

4.2 Regarding the Hundred River crossing, we highlighted that construction works may affect flow and therefore could have the potential to impact on abstractors. We also highlighted that any abstraction or dewatering during construction could affect the Essex and Suffolk Water company compensation discharge into the river.

4.3 Through the draft SoCG the applicant has confirmed that measures to maintain sufficient flows will be included in the final CoCP, and noted for inclusion in an updated Outline CoCP. They have confirmed that there will be no transmission loss during over-pumping to facilitate cable installation, and it will be ensured that flow is sufficient to convey the compensation discharge. The applicant has also confirmed that consultation will be undertaken with abstraction licence holders.

4.4 A watercourse crossing method statement is to form part of the CoCP. The applicant has confirmed that we are to be consulted during the preparation of that document, and that this is to be referenced in an updated Outline CoCP. The applicant is additionally required to apply for the appropriate permits from the Environment Agency prior to undertaking the crossing works. This will include an Environmental Permit, and possibly an Impoundment Licence.

4.5 Comments on the Hundred River crossing in respect of further survey requirements are included in our ecology section, below.

4.6 In respect of groundwater, we previously highlighted that there appeared to be some uncertainty as to how the measures proposed to protect groundwater would be secured within the CoCP; with clarity also requested on when hydrogeological risk assessments (HRAs) would be required, including in relation to any groundwater dependent ecological sites. Through ongoing discussions with the applicant, the following has been proposed for inclusion in an updated Statement of Common Ground:

The Applicants agree that the OCoCP will be updated to include:

- A commitment to prepare a Method Statement for any crossings made by a trenchless technique within the onshore cable route (excluding landfall). This will provide details of the design parameters and any measures to minimise impacts upon groundwater;
- Mapping of all existing abstraction licences, all domestic abstractions and all protected rights; measures will ensure no derogation to these as a result of the Projects;
- A commitment to undertake a pre-construction water features survey (visual inspections) where required. This will be used to ensure that water features are identified and subject to hydrogeological risk assessments as necessary prior to works commencing.
- Clear identification of whether dewatering activities will require an environmental permit. It will be specified that any water removed from subsurface excavations is returned to ground and that any water removed from a watercourse will be returned to the same watercourse, unless otherwise agreed with the Environment Agency.
- A commitment to undertake a hydrogeological risk assessment for works that could cause changes to aquifer flow or affect aquifer quality within 500m of groundwater dependent ecological sites (i.e. international, European, national and county designations). A screening exercise will be undertaken (utilising desk-based information such as BGS borehole records, solid and superficial geological mapping and OS mapping, site citations, Natural England's Priority Habitats Inventory and Phase 1 habitat survey data where available) to determine whether or not identified ecological sites have features / habitats that are likely to be groundwater fed. Where features / habitats that are likely to be groundwater fed are within 500m of works that require excavations below 1m, a hydrogeological risk assessment will be undertaken.
- A commitment to undertake a hydrogeological risk assessments for works that require excavations below 1m within 250m of boreholes or springs.

We have confirmed to the applicant that the inclusion of the above text would be sufficient to satisfy our concerns on this, and other groundwater protection related issues. We have also suggested to the applicant that it may be useful for the Outline CoCP to highlight that any dewatering activities which require an abstraction licence should follow the Environment Agency Hydrogeological Impact Appraisal (HIA) for Dewatering.

4.7 The draft SoCG also confirms that the Outline CoCP will refer specifically to the groundwater protection method statement which will “consider impacts to groundwater quality and ensure methodologies to minimise construction-phase

groundwater quality impacts are in place”. As highlighted above, an updated Outline CoCP is to also state that the Environment Agency are to be consulted on the preparation of these documents.

4.8 In respect of foul drainage during construction and operation, we previously highlighted that the foul drainage hierarchy should be followed, with mains systems used wherever available. The draft SoCG confirms that the final CoCP will detail the hierarchy and justify the foul water drainage solution selected; and that this is to be noted in an updated Outline CoCP.

4.9 The applicant has additionally stated that the Environment Agency will be consulted on the surface water and drainage management plan, which also forms part of the CoCP. This is welcomed. A further key point raised in our Relevant Representation was the requirement to ensure that sufficient space within the development boundary is provided for the proposed sediment management control measures. In response to our representation the applicant has confirmed (AS-036, document reference ExA.RR3.D0.V1) that this will be the case, with design and size of the required features refined post-consent. We will assess this as part of our consideration of the draft surface water and drainage management plan.

4.10 The applicant has further confirmed in response to our Relevant Representation that the Outline CoCP will be amended to specify the Environment Agency as a consultee in respect of the pollution prevention and response plan.

## **5.0 Onshore Ecology**

5.1 As highlighted in our Relevant Representation, our main focus in relation to this topic involves the proposed crossing of the Thorpeness Hundred River and other watercourses. Although broadly satisfied at the application stage, including in respect of the Water Framework Directive Assessment, we required some further surveys to be undertaken prior to any works, and further clarity in respect of how measures to minimize any adverse impacts were to be implemented. We can confirm that we are satisfied that appropriate controls are proposed to be in place.

5.2 The applicant has confirmed as part of the draft SoCG that pre-construction eel and fish baseline surveys will be undertaken, along with further water vole and otter surveys. We are to be consulted on the scope of those studies, with the requirement for that consultation to be specified in an updated outline landscape and ecological management strategy (OLEMS). The Ecological Management Plan (EMP) will include the results of the eel and fish baseline surveys, and the updated OLEMS is to further specify that the Environment Agency are to be consulted on the preparation of the EMP.

5.3 Through discussions with the applicant in respect of the draft SoCG, it has also been confirmed that the watercourse crossing method statement will include all measures to mitigate impacts on the Hundred River. It is to utilize all pre-construction survey results and will be based on a detailed assessment of the works to be undertaken. The applicant has stated that an Outline Watercourse Crossing Method Statement will be produced during the Examination. As mentioned above, an Environmental Permit from the Environment Agency will also be required prior to these works being undertaken. We would be looking for localized improvements to be incorporated wherever possible as part of channel restoration post installation.

We trust that these comments are useful.

Yours faithfully

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